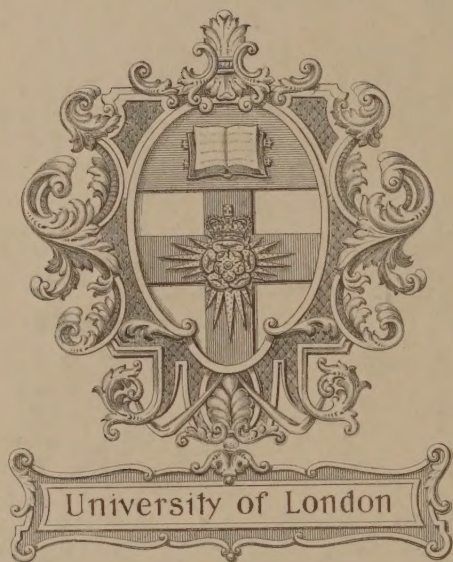






605863

ACCOUNTS AND PAPERS:

THIRTY-SIX VOLUMES.

— (35.) —

STATE PAPERS.

FRANCE; GREECE; HUDSON'S BAY; IONIAN ISLANDS;
ITALY; JAPAN; PERSIA; PERU; POLAND;
POLYNESIAN ISLANDS; PORTUGAL; PRUSSIA;
SCHELDT TOLL; SLAVE TRADE; TUNIS.

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ACCOUNTS AND PAPERS:

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THIRTY-SIX VOLUMES:—CONTENTS OF THE THIRTY-FIFTH VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N^o at the foot of each Paper; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for The House of Commons.

STATE PAPERS:

France :

- [3239.] Correspondence respecting the Congress proposed to be held at *Paris* - p. 1

Greece :

- [3246.] Treaty relative to the Accession of Prince *William* of *Denmark* to the Throne of *Greece*, with Protocols relating thereto; signed at *London*, July 13, 1863 13
- [3324.] Papers relating to *Greece*; (No. 1) (1864) - - - - - 23
- [3346.] Papers relating to the Arrangement concluded at *Athens*, in June 1860, respecting the *Greek* Loan; (No. 2) (1864) - - - - - 31
- [3347.] Correspondence respecting the Annexation of the *Ionian Islands* to the Kingdom of *Greece*; (No. 3) (1864) - - - - - 41

Hudson's Bay and Puget's Sound :

- [3310.] Treaty between Her Majesty and the United States of *America*, for the Settlement of the Claims of the *Hudson's Bay* and *Puget Sound* Agricultural Companies; signed at *Washington*, July 1, 1863 - - - - - 81

Ionian Islands :

54. Correspondence between the Commander of the Forces during the Occupation of the Island of *Sicily* by the *British* Forces and the Home Government, relative to the Attack which led to the Capture and subsequent Occupation of the *Ionian Islands* - - - - - 87
- [3247.] Treaty between Her Majesty, the Emperor of *Austria*; the Emperor of the *French*, the King of *Prussia*, and the Emperor of all the *Russias*, relative to the *Ionian Islands*; signed at *London*, November 14, 1863 - - - - - 117
- [3322.] Convention between Her Majesty and the King of the *Hellenes*, respecting the Claims of *British* Subjects and others, for Services in the *Ionian Islands*; signed at *London*, March 29, 1864 - - - - - 127
- [3323.] Treaty between Her Majesty, the Emperor of the *French*, and the Emperor of *Russia*, on the one part, and the King of the *Hellenes*, on the other part, respecting the Union of the *Ionian Islands* to the Kingdom of *Greece*; signed at *London*, March 29, 1864 - - - - - 135
- [3373.] Correspondence respecting the Cessation of the *British* Protectorate over the *Ionian Islands* - - - - - 145

Italy :

- ✓ [3248.] Treaty of Commerce and Navigation between Her Majesty and the King of *Italy* ; signed at *Turin*, August 6, 1863 - - - - - p. 163

Japan :

- ✓ [3242.] Correspondence respecting Affairs in *Japan* (in continuation of Correspondence presented to Parliament in February 1863) ; (No. 1) (1864) - - - 175
- ✓ [3303.] Correspondence respecting Affairs of *Japan* (in continuation of Correspondence presented to Parliament, February 4, 1864) ; (No. 2) (1864) - - - 297

Persia :

- ✓ [3306.] Correspondence respecting the Construction of a Telegraph Line through *Persia* - - - - - 307

Peru :

- ✓ 413. Correspondence between the *British* Officials in *Peru* and the Foreign Office, and of either of them, with the *Peruvian* Authorities, respecting Captain *Wolfe de Carvel* - - - - - 371
- ✓ 482. Award made by the Senate of *Hamburg*, in the Case of Captain *Melville White* 457

Poland :

- ✓ [3243.] Correspondence relating to *Poland* (in continuation of Papers presented to Parliament in July 1863) - - - - - 575
- ✓ [3358.] Communications with the *French* Government respecting *Poland* - - - 585
- ✓ [3361.] Papers relative to the Arrest of the Rev. *F. Anderson* - - - - - 595

Polynesian Islands :

- ✓ [3307.] Correspondence respecting Removal of Inhabitants of *Polynesian Islands* to *Peru* - - - - - 607

Portugal :

- ✓ 551. Correspondence and Papers relating to the Claims of *British* Subjects on the Government of *Portugal* in respect of the Royal Union Mercantile Company 645

Prussia :

- ✓ [3314.] Convention between Her Majesty and the King of *Prussia*, for the mutual Surrender of Criminals. Signed at *London*, March 5, 1864 - - - 799

Scheldt Toll :

- ✓ [3245.] Treaty and Convention for the Redemption of the *Scheldt* Toll, 1863 - - - 805

Slave Trade :

- ✓ [3339.] Correspondence with the *British* Commissioners at *Sierra Leone*, *Havana*, the *Cape of Good Hope*, *New York*, and *Loando*, and Reports from *British* Vice Admiralty Courts and *British* Naval Officers, relative to the Slave Trade, from January 1st to December 31st, 1863 ; Class (A.) - - - - - 823
- ✓ [3339-I.] Correspondence with *British* Ministers and Agents in Foreign Countries, and with Foreign Ministers in *England*, relative to the Slave Trade, from January 1st to December 31st, 1863 ; Class (B.) - - - - - 947

Tunis :

- ✓ [3244.] Convention between the Governments of *Great Britain* and of *Tunis*, relative to the Holding of Real Property by *British* Subjects in *Tunis* ; signed in the *English* and *Arabic* Languages, at *Tunis*, October 10, 1863 - - - 1159

CORRESPONDENCE

RESPECTING THE

CONGRESS PROPOSED TO BE HELD

AT PARIS.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LIST OF PAPERS.

No.							Page
1.	His Majesty the Emperor of the French to Her Majesty the Queen	..	..	..	..	November 4, 1863	1
2.	Her Majesty the Queen to the Emperor of the French	..	..	..	..	November 11, —	2
3.	Earl Russell to Earl Cowley	..	..	..	..	November 12, —	2
4.	M. Drouyn de Lhuys to the Marquis de Cadore	..	..	..	..	November 23, —	4
5.	Earl Russell to Earl Cowley	..	..	..	..	November 25, —	7
6.	Earl Cowley to Earl Russell	..	..	..	..	November 28, —	9

Correspondence respecting the Congress proposed to be held at Paris.

No. 1.

His Majesty the Emperor of the French to Her Majesty the Queen.

Madame, ma Sœur,

Paris, le 4 Novembre, 1863.

EN présence des événements qui, chaque jour, surgissent et se pressent, je crois indispensable de dire toute ma pensée aux Souverains auxquels est confiée la destinée des peuples.

Toutes les fois que de profondes secousses ont ébranlé les bases et déplacé les limites des Etats, il est survenu des transactions solennelles pour co-ordonner les éléments nouveaux, et consacrer, en les révisant, les transformations accomplies.

Tel a été l'objet du Traité de Westphalie, au dix-septième siècle, et des négociations de Vienne en 1815;—c'est sur ce dernier fondement que repose aujourd'hui l'édifice politique de l'Europe, et, cependant, votre Majesté ne l'ignore pas, il s'écroule de toutes parts.

Si l'on considère attentivement la situation des divers pays, il est impossible de ne pas reconnaître que, presque sur tous les points, les Traités de Vienne sont détruits, modifiés, méconnus, ou menacés. De là des devoirs sans règle, des droits sans titre, et des prétentions sans frein. Péril d'autant plus redoutable que les perfectionnements amenés par la civilisation, qui a lié les peuples entre eux par la solidarité des intérêts matériels, rendraient la guerre plus destructive encore.

C'est là un sujet de graves méditations. N'attendons pas pour prendre un parti que des événements soudains, irrésistibles, troublent notre jugement, et nous entraînent, malgré nous, dans des directions contraires. Je viens donc proposer à votre Majesté de régler le présent, et d'assurer l'avenir, dans un Congrès.

Appelé au Trône par la Providence et par la volonté du peuple Français, mais élevé à l'école de l'adversité, il m'est peut-être moins permis qu'à un autre d'ignorer et les droits des Souverains et les légitimes aspirations des peuples. Aussi, je suis prêt, sans système préconçu, à porter dans un Conseil International l'esprit de modération et de justice, partage ordinaire de ceux qui ont subi tant d'épreuves diverses.

Si je prends l'initiative d'une semblable ouverture, je ne cède pas à un mouvement de vanité; mais, comme je suis le Souverain auquel on a prêté le plus de projets ambitieux, j'ai à cœur de prouver par cette démarche franche et loyale que mon unique but est d'arriver sans secousse à la pacification de l'Europe. Si cette proposition est accueillie, je prie votre Majesté d'accepter Paris comme lieu de réunion.

Dans le cas où les Princes alliés et amis de la France jugeraient convenable de rehausser par leur présence l'autorité des délibérations, je serais fier de leur offrir une cordiale hospitalité. L'Europe verrait peut-être quelque avantage à ce que la capitale d'où est parti tant de fois le signal des bouleversements devînt le siège de Conférences destinées à jeter les bases d'une pacification générale.

Je saisis, &c.
(Signé) NAPOLEON.

(Translation.)

Madam, my Sister,

Paris, November 4, 1863.

IN face of the events which daily arise and press themselves on attention, I deem it indispensable to impart my whole thought to the Sovereigns to whom the destiny of nations is confided.

On all occasions when great convulsions have shaken the foundations and deranged the limits of States, solemn compacts have followed to reduce to order the new elements, and to recognize, while revising them, the changes that have been effected.

Such was the object of the Treaty of Westphalia in the seventeenth century, and of the negotiations of Vienna, in 1815. It is on this last foundation that the political edifice of Europe now rests; and nevertheless, your Majesty is not ignorant, it is crumbling to pieces on all sides.

If one considers attentively the situation of the different countries, it is impossible not to admit that on almost all points the Treaties of Vienna are destroyed, modified, disregarded, or menaced. Hence there are duties without rule, rights without title, pretensions without restraint. A peril the more formidable, since the improvements produced by civilization, which has united peoples together by an identity of material interests, would render war still more destructive.

This is a matter for serious reflection. Let us not delay taking a decision until sudden and irresistible events disturb our judgment, and draw us, in spite of ourselves, in opposite directions. I now therefore propose to your Majesty to regulate the present, and secure the future, by means of a Congress.

Summoned to the throne by Providence and the will of the French people, but brought up in the school of adversity, it is perhaps less allowable for me than for others to ignore the rights of Sovereigns and the legitimate aspirations of peoples. Thus I am ready, without any preconceived system, to bring to an International Council a spirit of moderation and justice, the ordinary portion of those who have undergone so many different trials.

If I take the initiative in such an overture, I do not yield to an impulse of vanity; but because I am the Sovereign to whom ambitious projects have mostly been attributed. I have it at heart to prove, by this frank and loyal overture, that my sole object is to arrive, without convulsion, at the pacification of Europe. If this proposal be agreed to, I beg your Majesty to accept Paris as the place of meeting.

If the Princes allies and friends of France should think fit to enhance by their presence the authority of the deliberations, I shall be proud to offer them cordial hospitality. Europe will, perhaps, see some advantage in the capital whence the signal of confusion has so often arisen, becoming the seat of Conferences destined to lay the basis of a general pacification.

I take, &c.
(Signed) NAPOLEON.

No. 2.

Her Majesty the Queen to the Emperor of the French.

Sir, my Brother,

Windsor Castle, November 11, 1863.

THE letter which your Imperial Majesty addressed to me on the 4th of this month has duly reached my hands. Your Imperial Majesty may feel assured that any suggestion or proposal made by your Imperial Majesty will always command my most earnest and attentive consideration, and more especially when the general welfare of nations is concerned. I have accordingly directed my confidential advisers to submit to me the opinion which, after due deliberation, they may arrive at in regard to the important measure which your Imperial Majesty recommends for adoption by your allies; and my Principal Secretary of State for Foreign Affairs will, with as little delay as possible, authorize my Ambassador at Paris, to make known to your Government the conclusion which, after weighing that opinion, I may feel it my duty to adopt.

I avail, &c.
(Signed) VICTORIA R.

No. 3.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, November 12, 1863.

HER Majesty the Queen having been pleased to refer to her confidential servants a letter of the Emperor Napoleon addressed to Her Majesty on the subject of a Congress, I proceed to inform you of the view which Her Majesty's Government take of the proposal contained in it.

The letter invites Her Majesty to take part in a Congress, to be held in Paris, on the affairs of Europe.

I am commanded, in the first place, to inform your Excellency that Her Majesty's Government see in this step a proof of the interest taken by His Imperial Majesty in the welfare of Europe.

I will now proceed to remark on the ground stated for this proposal, and then examine the proposal itself.

His Imperial Majesty observes, that on all occasions when great convulsions have shaken the foundations and deranged the limits of States, solemn compacts have been entered into, having for their object to reduce to order the new elements, and to recognize, while revising them, the changes that have been effected. Such was the object of the Treaty of Westphalia in the seventeenth century, and of the negotiations of Vienna in 1815. On this last foundation the political edifice of Europe now rests, and nevertheless, His Imperial Majesty observes, it is crumbling to pieces on all sides.

The Emperor goes on to state that, if the situation of the different countries is attentively considered, it is impossible not to admit that in almost all points the Treaties of Vienna are destroyed, modified, disregarded, or menaced.

When so important a proposal as that which the Emperor has put forth is made to rest on certain grounds, it is our duty to examine carefully the grounds themselves.

Nearly half a century has elapsed since the Treaties of 1815 were signed. The work was somewhat hurried by the necessity of giving repose to Europe after so many convulsions. Yet the changes made in this period of fifty years have not been more than might have been expected from the lapse of time, the progress of opinion, the shifting policy of Governments, and the varying exigencies of nations. If we take half a century from the Peace of Westphalia to 1700, or a similar period from the Peace of Utrecht to 1763, we shall find those periods marked by extensive changes, as well as the period which has elapsed between 1815 and 1863.

Yet it was not thought necessary, at the epochs mentioned, to proceed to a general revision either of the Treaty of Westphalia or of the Treaty of Utrecht.

It is the conviction of Her Majesty's Government that the main provisions of the Treaty of 1815 are in full force; that the greater number of those provisions have not been in any way disturbed; and that on those foundations rests the balance of power in Europe.

If, instead of saying that the Treaty of Vienna has ceased to exist, or that it is destroyed, we inquire whether certain portions of it have been modified, disregarded, or menaced, other questions occur. Some of the modifications which have taken place have received the sanction of all the Great Powers, and now form part of the public law of Europe.

Is it proposed to give those changes a more general and solemn sanction? Is such a work necessary? Will it contribute to the peace of Europe?

Other portions of the Treaty of Vienna have been disregarded or set aside, and the changes thus made *de facto* have not been recognized *de jure* by all the Powers of Europe.

Is it proposed to obtain from Powers which have not hitherto joined in that recognition a sanction to those changes?

Lastly come those parts of the Treaty of Vienna which are menaced, and upon those portions the most important questions of all arise. What is the nature of the proposals to be made on this subject by the Emperor Napoleon? In what direction would they tend? And, above all, are they, if agreed to by a majority of the Powers, to be enforced by arms?

When the Sovereigns or Ministers of Austria, France, Prussia, Russia, and Great Britain met at Verona, in 1823, upon the affairs of Spain, the first four of those Powers carried into effect their resolutions by means of armed forces, in spite of the protest of Great Britain. Is this example to be followed at the present Congress in case of disagreement? Upon all these points Her Majesty's Government must obtain satisfactory explanations before they can come to any decision upon the proposal made by the Emperor.

Her Majesty's Government would be ready to discuss with France and other Powers, by diplomatic correspondence, any specified questions upon which a solution might be attained, and European peace thereby more securely established.

But they would feel more apprehension than confidence from the meeting of a Congress of Sovereigns and Ministers without fixed objects, ranging over the map of Europe, and exciting hopes and aspirations which they might find themselves unable either to gratify or to quiet.

Her Majesty's Government have no reason to doubt that the Emperor Napoleon

would bring into such an assembly a spirit of moderation and of justice. They feel confident that his object is to give security to the peace of Europe. The only question is as to the means by which that object is to be obtained.

You are directed to read and give a copy of this despatch to M. Drouyn de Lhuys.

I am, &c.

(Signed) RUSSELL.

No. 4.

M. Drouyn de Lhuys to the Marquis de Cadore.

Monsieur,

Palais de Compiègne, le 23 Novembre, 1863.

M. LE COMTE COWLEY m'a communiqué, il y a plusieurs jours, une dépêche de son Excellence M. le Comte Russell, qui porte la date du 12 de ce mois, et qui exprime l'opinion du Gouvernement Britannique relativement à la proposition de réunir à Paris un Congrès pour délibérer sur les affaires de l'Europe. Vous en trouverez ci-joint copie. Ma correspondance antérieure répondait à l'avance à quelques-unes des considérations développées dans ce document. Je crois devoir néanmoins résumer dans cette dépêche, dont vous remettrez une copie à son Excellence le Principal Secrétaire d'Etat, les motifs qui ont déterminé la résolution de Sa Majesté.

Le Gouvernement Impérial n'a l'intention de faire ni l'apologie ni la critique des Traités de Vienne. L'Empereur a déclaré, en montant sur le Trône, qu'il se considérait lié par les engagements souscrits par ses prédécesseurs. Naguère encore, dans sa lettre aux Souverains, Sa Majesté constatait que les Actes Diplomatiques de 1815 étaient le fondement sur lequel repose aujourd'hui l'édifice politique de l'Europe. Mais c'est à ses yeux une raison de plus pour examiner si cette base elle-même n'est pas profondément ébranlée.

Or, le Cabinet de Londres reconnaît avec nous que plusieurs de ces dispositions ont reçu de graves atteintes. Parmi les modifications qui ont eu lieu, les unes ont été consacrées par la sanction de toutes les grandes Puissances, et forment aujourd'hui une partie du droit international ; les autres, au contraire, opérées de fait, n'ont pas été reconnues en droit par tous les Cabinets. Quant aux premières, nous ne pouvons nous empêcher de remarquer avec quelle force irrésistible elles se sont imposées à l'acceptation des Gouvernements.

L'empressement de l'Angleterre elle-même à y donner son adhésion prouve combien les anciennes combinaisons répondaient peu, suivant l'expression de Lord Russell, à ce qu'exigeaient la marche du temps, les progrès de l'opinion, la politique mobile des Gouvernements et les besoins variables des peuples. D'un autre côté, n'est-on pas autorisé à croire que des changements aussi importants ont pu altérer, dans une certaine mesure, l'harmonie et l'équilibre de l'ensemble ? Nous admettons, avec Lord Russell, qu'il n'est pas absolument nécessaire de donner à ces changements une sanction plus générale et plus solennelle ; mais nous pensons qu'il y aurait avantage à débayer les ruines et à réunir en un même corps tous ces membres vivants.

Pour les modifications auxquelles les Puissances n'ont pas donné un assentiment unanime, elles constituent autant de litiges qui, d'un moment à l'autre, peuvent diviser l'Europe en deux camps. Au lieu d'en abandonner la décision à la violence et au hasard, ne vaut-il pas mieux en poursuivre d'un commun accord la solution équitable, et sanctionner les transformations en les revisant ?

La troisième catégorie comprend celles des parties du Traité de Vienne qui sont menacées. "C'est à cet égard," dit son Excellence le Principal Secrétaire d'Etat, "que surgissent les questions les plus importantes ; de quelle nature sont les propositions que compte faire à ce sujet l'Empereur Napoléon ? Dans quelle direction tendraient-elles, et, par-dessus tout, si elles étaient adoptées par la majorité des Puissances, devraient-elles être imposées par la force ?"

L'Empereur en signalant à l'Europe les périls d'une situation profondément troublée, a indiqué le moyen d'écarter les redoutables éventualités qu'il prévoit et dont, moins que d'autres peut-être, il aurait à s'alarmer, car les questions d'où peut sortir aujourd'hui la guerre ne touchent la France qu'indirectement, et il dépendrait d'elle seule d'intervenir dans la lutte, ou de s'en tenir à l'écart. Il l'a fait en s'adressant avec confiance et simultanément à toutes les Couronnes, sans entente préalable avec aucune d'elles, afin de mieux témoigner de sa sincère impartialité et d'aborder, libre de tout engagement, les graves délibérations auxquelles il les convie. Souverain le plus nouveau, il ne se croit pas en droit d'assumer le rôle d'arbitre, et de fixer d'avance aux autres Cours le programme du

Congrès qu'il propose. Tel est le motif de la réserve dans laquelle il s'est renfermé. Est-il, d'ailleurs, si difficile d'énumérer les questions non résolues qui peuvent troubler l'Europe ?

Une déplorable lutte ensanglante la Pologne, agite les Etats voisins, et menace le monde des plus graves perturbations. Trois Puissances, pour y mettre un terme, invoquent en vain les Traités de Vienne qui fournissent aux deux parties des arguments contradictoires. Cette lutte durera-t-elle toujours ?

Des prétentions opposées mettent aux prises le Danemark et l'Allemagne. Le maintien de la paix, dans le Nord, est à la merci d'un incident. Les Cabinets sont déjà intervenus dans ce débat par des négociations ; y sont-ils devenus aujourd'hui indifférents ?

L'anarchie continuera-t-elle à régner sur le Bas Danube, et pourra-t-elle, à chaque moment, rouvrir une sanglante arène au débat de la question d'Orient ?

L'Autriche et l'Italie resteront-elles en présence dans une attitude hostile, toujours prêtes à rompre la trêve qui suspend l'explosion de leurs ressentiments ?

L'occupation de Rome par les troupes Françaises se prolongera-t-elle pendant un temps indéfini ?

Enfin, doit-on renoncer, sans avoir fait de nouvelles tentatives de conciliation, à l'espoir d'alléger le fardeau qu'imposent aux peuples des armements excessifs entretenus par une mutuelle défiance ?

Telles sont, suivant nous, Monsieur, les principales questions que les Puissances jugeraient sans doute utile d'examiner et de résoudre.

Lord Russell n'attend pas, assurément, que nous indiquons ici le mode de solution applicable à chacun de ces problèmes, ni le genre de sanction que pourraient comporter les décisions du Congrès. C'est aux Puissances qui y seraient représentées qu'appartiendrait le droit de prononcer sur ces divers points. Nous ajouterons seulement que ce serait, à nos yeux, une illusion que de poursuivre ces solutions à travers le dédale de correspondances diplomatiques et de négociations séparées, et que, loin d'aboutir à la guerre, la voie proposée est la seule qui puisse conduire à une pacification durable.

Dans l'une des dernières séances du Congrès de Paris, M. le Comte Clarendon, invoquant une stipulation du Traité de Paix qui venait d'être signé et qui recommandait de recourir à l'action médiatrice d'un Etat ami, avant d'en appeler à la force, en cas de dissentiment entre la Porte et d'autres Puissances signataires, exprimait la pensée "que cette heureuse innovation pourrait recevoir une application plus générale et devenir ainsi une barrière opposée à des conflits qui, souvent, n'éclatent que parce qu'il n'est pas toujours possible de s'expliquer et de s'entendre." Les Plénipotentiaires de toutes les Cours s'associèrent unanimement à l'intention de leur collègue, et n'hésitèrent pas à exprimer, au nom de leurs Gouvernements, le vœu que les Etats entre lesquels s'élèveraient des dissentiments sérieux eussent recours à une médiation amicale avant d'en appeler aux armes. La sollicitude de l'Empereur va plus loin ; elle n'attend pas que les dissentiments aient éclaté, pour recommander l'application aux circonstances actuelles du principe salutaire inscrit sur le dernier monument du droit public Européen, et Sa Majesté invite dès à présent ses alliés "à s'expliquer et à s'entendre."

Recevez, &c.

(Signé) DROUYN DE LHUYS.

(Translation.)

Sir,

Palace of Compiègne, November 23, 1863.

LORD COWLEY communicated to me, some days ago, a despatch from his Excellency Earl Russell, dated the 12th of this month, and which expresses the opinion of the British Government relative to the proposal to call at Paris a Congress to deliberate on the affairs of Europe. You will find annexed a copy of it. My previous correspondence has answered beforehand some of the considerations developed in this document. It is my duty, nevertheless, to sum up in this despatch, of which you will send a copy to his Excellency the Principal Secretary of State, the motives which have determined the resolution of His Majesty.

The Imperial Government have no intention either to apologise for or to criticise the Treaties of Vienna. The Emperor declared, on mounting the throne, that he should consider himself bound by the engagements subscribed to by his predecessors. Lately again, in his letter to the Sovereigns, His Majesty showed that the Diplomatic Acts of 1815 were the foundation on which rests to-day the political edifice of Europe. But this is, he considers, an additional reason for examining whether this foundation is not itself shaken to its base.

Now, the Cabinet of London recognises with us that several of these stipulations have been seriously infringed. Amongst the modifications which have taken place, some have been consecrated by the sanction of all the great Powers, and at present constitute a part of international law ; others, on the contrary, carried into execution, have not been recognised as law by all the Cabinets. As regards the first, we cannot help calling attention to the irresistible power with which they have forced themselves on the acceptance of the Governments. The eagerness of England herself to give to them her adhesion, proves how little the former combinations answered, according to the expression of Lord Russell, the requirements of the lapse of time, the progress of opinion, the shifting policy of Governments, and the varying exigencies of nations ; on the other hand, are not we authorized in believing that changes so important have diminished to some extent the harmony and equilibrium of the whole ? We admit, with Lord Russell, that it is not absolutely necessary to give to these changes a more general and more solemn sanction ; but we consider it would be an advantage to clear away the ruins, and re-unite in a single body all the living members.

As regards the modifications to which the Powers have not given an unanimous assent, they constitute so many causes of dispute which at any moment may divide Europe into two camps. Instead of leaving the decision of these to violence and chance, would it not be better to pursue their equitable solution to a common agreement, and sanction these changes by revising them ?

The third category comprises those parts of the Treaty of Vienna which are menaced. " Upon those portions," says his Excellency the Principal Secretary of State, " the most important questions of all arise. What is the nature of the proposals to be made on this subject by the Emperor Napoleon ? In what direction would they tend, and, above all, are they, if agreed to by a majority of the Powers, to be enforced by arms ?"

The Emperor, while he pointed out to Europe the dangers of a situation in deep commotion, indicated the method of averting the dire calamities which he foresees, and at which he, less than others perhaps, would have reason to take alarm ; for the questions out of which at the present time war may arise, interest France but indirectly, and it would depend on herself alone whether she would take part in the struggle or stand aloof from it. This he did by addressing all the Sovereigns in full confidence and simultaneously, without previous understanding with any of them, in order the better to testify his sincere impartiality, and to enter upon, free of every engagement, the important deliberations to which he invites them. Himself the youngest of Sovereigns, he considers he has no right to assume the part of an arbiter, and to fix beforehand for the other Courts the programme of the Congress which he proposes. This is the motive of the reserve which he has imposed upon himself. Is it, moreover, so difficult to enumerate the questions, not yet solved, which may disturb Europe ?

A deplorable struggle is bathing Poland in blood, is agitating the neighbouring States, and threatening the world with the most serious disturbances. Three Powers, with a view of putting a stop to it, invoke in vain the Treaties of Vienna, which supply the two sides with contradictory arguments. Is this struggle to last for ever ?

Pretensions opposed to one another are exciting a quarrel between Denmark and Germany. The preservation of peace in the North is at the mercy of an accident. The Cabinets have already, by their negotiations, become parties to the dispute. Are they now become indifferent to it ?

Shall anarchy continue to prevail on the Lower Danube, and shall it be able at any moment to open anew a bloody arena for the dispute of the Eastern question ?

Shall Austria and Italy remain in presence of each other in a hostile attitude, ever ready to break the truce which prevents their animosities exploding ?

Shall the occupation of Rome by the French troops be prolonged for an indefinite period ?

Lastly, must we renounce, without fresh attempts at conciliation, the hope of lightening the burthen imposed on the nations by the disproportionate armaments occasioned by mutual distrust ?

Such are, Sir, in our opinion, the principal questions which the Powers would doubtless judge it useful to examine and decide.

Lord Russell surely does not expect us to specify here the mode of solution applicable to each of these problems, nor the kind of sanction which might be given by the decisions of the Congress. To the Powers there represented would pertain the right of pronouncing upon these various points. We will only add, that it would be in our eyes illusory to pursue their solution through the labyrinth of diplomatic correspondence and separate negotiation, and that the way now proposed, so far from ending in war, is the only one which can lead to a durable pacification.

At one of the last meetings of the Congress of Paris, the Earl of Clarendon, invoking a stipulation of the Treaty of Peace which had just been signed, and which recommended recourse to the mediation of a friendly State before resorting to force, in the event of dissension arising between the Porte and others of the Signatory Powers, expressed the opinion "that this happy innovation might receive a more general application, and thus become a barrier against conflicts which frequently only break forth because it is not always possible to enter into explanation, and to come to an understanding." The Plenipotentiaries of all the Courts concurred unanimously in the intention of their colleague, and did not hesitate to express, in the name of their Governments, the wish that States between which any serious misunderstanding may arise, should have recourse to friendly mediation before appealing to arms.

The solicitude of the Emperor goes further ; it does not wait for dissensions to break out in order to recommend an application to the actual circumstances of the salutary principle engraven on the latest monument of the Public Law of Europe, and His Majesty now invites his allies "to enter into explanations, and to come to an understanding."

Accept, &c.
(Signed) DROUYN DE LHUYS.

No. 5.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, November 25, 1863.

HER Majesty's Government have received from the Marquis of Cadore the copy of a despatch addressed to him by M. Drouyn de Lhuys, in answer to my despatch to your Excellency of the 12th instant. Her Majesty's Government having obtained an answer to the inquiries they made, will not any longer delay giving a definitive reply to the invitation addressed by the Emperor of the French to Her Majesty the Queen, to take part in a Congress of the European Powers to be assembled at Paris.

I inclose a copy of the Emperor's letter of invitation to the Queen,* which is similar to one which has already appeared in the "Moniteur," addressed to the German Confederation.

Her Majesty's Government fully recognize in this step the desire of the Emperor of the French to put an end to the disquietude which affects several parts of Europe, and to establish the general peace on foundations more solid than those on which, in his opinion, it now rests.

The Emperor declares that France is disinterested in this question ; that he, for his part, seeks no aggrandizement, and that the interests to be secured are those, not of France, but of Europe.

Her Majesty's Government may also declare that Great Britain is disinterested in this matter, that she seeks no aggrandizement, and that she has only to counsel moderation and peace.

But France and Great Britain being thus disinterested themselves, are bound to consider what is the position, and what, in a Congress, will be the probable conduct of Powers who may be called upon to make sacrifices of territory or of pre-eminence and moral strength.

It would be little to the purpose to say on this occasion anything more of the Treaties of 1815.

Practically, the Emperor of the French admits the binding force of many portions of those Treaties ; and Her Majesty's Government as readily allow that some portions of them have been modified or disregarded, and that other portions are now menaced or called in question.

Her Majesty's Government understand from the explanations given by M. Drouyn de Lhuys, that, in the opinion of the Government of the Emperor, it is obvious to every one that there are several questions, not hitherto solved, which may disturb Europe. Of this nature are the following :—

Must the conflict in Poland be still further prolonged ?

Is Denmark to be at war with Germany, and have the Powers which formerly took a part in the discussion of this question become indifferent to it ?

Must anarchy continue in the Danubian Principalities, and thus at any moment tend to re-open the question of the East ?

* No. 1.

Must Italy and Austria always remain in presence of each other in a hostile attitude ?
Must the occupation of Rome by French troops be prolonged for an indefinite time ?
The Emperor's Government put a further question :—

Must we, without having made new attempts at conciliation, renounce the hope of lightening the burthens imposed upon the nations of Europe by excessive armaments, kept up by the feeling of mutual distrust ?

These, no doubt, are the principal questions which either disturb or threaten the peace of Europe ; but there is a further question which Her Majesty's Government consider to lie at the bottom of this whole matter, and that is the following :—

Is a General Congress of European States likely to furnish a peaceful solution of the various matters in dispute ?

This, indeed, is the question which it behoves the Governments of the different States to consider seriously and attentively.

There appears to Her Majesty's Government to be one main consideration which must lead them to their conclusion.

After the war which desolated Germany from 1619 to 1649, and after the successive wars which afflicted the Continent of Europe from 1793 to 1815, it was possible to distribute territories and to define rights by a Congress, because the nations of Europe were tired of the slaughter, and exhausted by the burthens of war, and because the Powers who met in Congress had by the circumstances of the time the means of carrying their decisions and arrangements into effect.

But at the present moment, after a continuance of long peace, no Power is willing to give up any territory to which it has a title by Treaty, or a claim by possession.

For example, of the questions mentioned as disturbing or threatening Europe, two of the most disquieting are those regarding Poland and Italy.

Let us examine the present state of these questions, and see whether it is probable that a Congress would tend to a peaceful settlement of them.

In the first place, with regard to Poland, the question is not new to France, to Austria, or to Great Britain.

For several months these Powers, while carefully abstaining from any threat, have attempted to obtain from Russia by friendly representations the adoption of measures of a healing nature, but have only succeeded in procuring promises, often repeated, that when the insurrection shall have been put down, recourse will be had to clemency and conciliation. Would there be any advantage in repeating in the name of a Congress representations already made with so little effect ?

Is it probable that a Congress would be able to secure better terms for Poland unless by a combined employment of force ?

Considerable progress has been made by the military preponderance and by the unsparing severity of Russia in subduing the insurgents.

Is it likely that Russia will grant in the pride of her strength what she refused in the early days of her discouragement ?

Would she create an independent Poland at the mere request of a Congress ?

But if she would not, the prospect becomes one of humiliation for Europe, or of war against Russia ; and those Powers who are not ready to incur the cost and hazard of war may well desire to avoid the other alternative.

It may be truly said, moreover, that the present period is one of transition. If the insurrection shall be subdued, it will then be seen whether the promises of the Emperor of Russia are to be fulfilled. If the insurrection shall not be subdued, or if, in order to subdue it, the Polish population is treated with fresh and, if that be possible, with aggravated rigour, other questions will arise which may require further consideration, but which would hardly receive a solution from a large assembly of Representatives of all the Powers of Europe.

Indeed, it is to be apprehended that questions arising from day to day, coloured by the varying events of the hour, would give occasion rather for useless debate than for practical and useful deliberation in a Congress of twenty or thirty Representatives, not acknowledging any supreme authority, and not guided by any fixed rules of proceeding.

Passing to the question of Italy, fresh difficulties occur. In the first place, is it intended to sanction by a new Treaty the present state of possession in Italy ? The Pope and the Sovereigns related to the dispossessed Princes might, on the one side, object to give a title they have hitherto refused, to the King of Italy ; and the King of Italy, on the other, would probably object to a settlement which would appear to exclude him, by inference at least, from the acquisition of Rome and Venetia.

But is it intended to ask Austria, in Congress, to renounce the possession of Venetia ? Her Majesty's Government have good grounds to believe that no Austrian Representative

would attend a Congress where such a proposition was to be discussed. They are informed that if such an intention were announced beforehand, Austria would decline to attend the Congress, and that if the question were introduced without notice, the Austrian Minister would quit the Assembly. Here again, therefore, the deliberations of the Congress would soon be brought in sight of the alternative of nullity or war.

But is it possible to assemble a Congress and to summon an Italian Representative to sit in it without discussing the state of Venetia? The Emperor of the French would be the first person to feel and to admit that such a course would not be possible.

With regard to Germany and Denmark, it is true that several of the Powers of Europe have interested themselves in that question, but the addition of Spain, Portugal, Italy, and Turkey to the deliberation would scarcely improve the prospect of a satisfactory solution. And if, with regard to Poland and Italy, no beneficial result is likely to be attained, is it expedient to call together a General Congress of all the States of Europe to find a remedy for the anarchy of Moldo-Wallachia?

Were all these questions, those of Poland, Italy, Denmark, and the Danubian Provinces, to be decided by the mere utterance of opinions, the views of Her Majesty's Government upon most of them might, perhaps, be found not materially to differ from those of the Emperor of the French.

But if the mere expression of opinions and wishes would accomplish no positive results, it appears certain that the deliberations of a Congress would consist of demands and pretensions put forward by some and resisted by others; and, there being no supreme authority in such an Assembly to enforce the decisions of the majority, the Congress would probably separate, leaving many of its members on worse terms with each other than they had been when they met. But if this would be the probable result, it follows that no decrease of armaments is likely to be effected by the proposed Congress. M. Drouyn de Lhuys refers to a proposal made by Lord Clarendon in one of the last sittings of the Congress of Paris. But Her Majesty's Government understand that proposal to have reference to a dispute between two Powers to be referred to the good offices of a friendly Power, but in no way to the assembling of a General Congress.

Not being able, therefore, to discern the likelihood of those beneficial consequences which the Emperor of the French promised himself when proposing a Congress, Her Majesty's Government, following their own strong convictions, after mature deliberation, feel themselves unable to accept His Imperial Majesty's invitation.

You are instructed to give a copy of this despatch to M. Drouyn de Lhuys.

I am, &c.

(Signed) RUSSELL.

No. 6.

Earl Cowley to Earl Russell.—(Received November 30.)

(Extract.)

Paris, November 28, 1863.

I WAITED by appointment on M. Drouyn de Lhuys, this afternoon, and communicated to his Excellency your Lordship's despatch of the 25th instant, stating the reasons why Her Majesty's Government cannot accept the invitation addressed by the Emperor of the French to Her Majesty the Queen, to take part in a Congress of European Powers to be assembled at Paris.

M. Drouyn de Lhuys, after perusing your Lordship's despatch, said that he could not but express his dissent from the reasoning which had led Her Majesty's Government to the decision which your Lordship's despatch announced. He still retained the opinion that the assembling of a Congress would have been the best means of settling the questions which now agitate Europe. It would be useless, however, to prolong the discussion. The mind of Her Majesty's Government appeared to be made up. He would communicate your Lordship's despatch to the Emperor.

FRANCE.

Correspondence respecting the Congress proposed to
be held at Paris.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

13

TREATY

RELATIVE TO

THE ACCESSION

OF

PRINCE WILLIAM OF DENMARK

TO

THE THRONE OF GREECE.

WITH PROTOCOLS RELATING THERETO.

Signed at London, July 13, 1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

INDEX.

	Original.	Translation.
	Page	Page
Treaty between Her Majesty, the Emperor of the French, and the Emperor of Russia, on the one part, and the King of Denmark, on the other part, relative to the Accession of Prince William of Denmark to the Throne of Greece ..	1	4
Protocol of a Conference held at the Foreign Office, August 3, 1863	3	6
Protocol of a Conference held at the Foreign Office, October 13, 1863	4	7

TREATY between Her Majesty, the Emperor of the French, and the Emperor of Russia, on the one part, and the King of Denmark, on the other part, relative to the Accession of Prince William of Denmark to the Throne of Greece.

Signed at London, July 13, 1863.

[Ratifications exchanged at London, August 3, 1863.]

Au nom de la Très Sainte et Indivisible Trinité.

LEURS Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur des Français, et l'Empereur de toutes les Russies, désirant aplanir les difficultés survenues dans le Royaume de Grèce, placé sous leur commune garantie, ont jugé nécessaire de s'entendre sur les arrangements à prendre, afin de réaliser les vœux de la nation Grecque qui appellent le Prince Guillaume de Danemark au trône Hellénique.

De son côté, Sa Majesté le Roi de Danemark, se rendant à l'invitation de leurs dites Majestés, a consenti à leur prêter son concours en vue de ce résultat, conforme aux intérêts de la paix générale.

En conséquence Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur des Français, et l'Empereur de toutes les Russies d'une part, et Sa Majesté le Roi de Danemark de l'autre, ont résolu de conclure un Traité, et à cet effet ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Jean Comte Russell, Vicomte Amberley de Amberley et Ardsalla, Pair du Royaume Uni, Chevalier du Très Noble Ordre de la Jarretière, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Son Principal Secrétaire d'Etat pour les Affaires Etrangères ;

Sa Majesté l'Empereur des Français, le Sieur Jean Baptiste Louis, Baron Gros, Sénateur de l'Empire, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, Grand-Croix de l'Ordre du Sauveur de Grèce, de l'Ordre d'Isabelle la Catholique d'Espagne, de l'Ordre Pontifical de Pie IX, Commandeur de l'Ordre de la Conception de Portugal, &c., &c., &c. ;

Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe Baron de Brunnow, Son Conseiller Privé Actuel, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de St. André, de St. Wladimir de première classe, de St. Alexandre Newski en diamants, de l'Aigle Blanc, de Ste. Anne de première classe, de St. Stanislas de première classe, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, du Danebrog de Danemark en diamants, et de l'Ordre du Sauveur de Grèce de première classe, &c., &c., &c. ;

Et Sa Majesté le Roi de Danemark, le Sieur Torben de Bille, son Chambellan, Commandeur de l'Ordre de Danebrog, et décoré de la Croix d'Honneur du même Ordre, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :—

ARTICLE I.

Sa Majesté le Roi de Danemark, d'accord avec le Prince Christian de Danemark, agissant en qualité de tuteur de son fils puiné le Prince Christian Guillaume Ferdinand Adolphe George, accepte pour ce Prince, encore mineur, la Souveraineté héréditaire de la Grèce, qui lui est offerte par le Sénat et par l'Assemblée Nationale de la Grèce au nom de la nation Hellénique.

ARTICLE II.

Le Prince Guillaume de Danemark portera le titre de George I, Roi des Grecs.

ARTICLE III.

La Grèce, sous la souveraineté du Prince Guillaume de Danemark, et la garantie des trois Cours, forme un Etat monarchique, indépendant, constitutionnel.

ARTICLE IV.

Les limites du territoire Grec, déterminées par l'arrangement conclu à Constantinople entre les trois Cours et la Porte Ottomane le 21 Juillet, 1832, recevront une extension par la réunion des Iles Ioniennes au Royaume Hellénique, à l'époque où cette réunion, proposée par le Gouvernement de Sa Majesté Britannique, aura été trouvée d'accord avec les vœux du Parlement Ionien, et où elle aura obtenu l'assentiment des Cours d'Autriche, de France, de Prusse, et de Russie.

ARTICLE V.

Les Iles Ioniennes, lorsque leur réunion au Royaume de Grèce aura été effectuée, seront comprises dans la garantie stipulée par l'Article III du présent Traité.

ARTICLE VI.

Dans aucun cas la Couronne de Grèce et la Couronne de Danemark ne pourront se trouver réunies sur la même tête.

ARTICLE VII.

Conformément au principe de la Constitution Hellénique, reconnu par le Traité signé à Londres le 20 Novembre, 1852, et proclamé par le Décret de l'Assemblée Nationale de la Grèce du 30 Mars, 1863, les successeurs légitimes du Roi George I devront professer les dogmes de l'Eglise Orthodoxe d'Orient.

ARTICLE VIII.

La majorité du Prince Guillaume de Danemark, fixée par la loi de la Famille Royale à dix-huit ans révolus, c'est-à-dire, au 24 Décembre, 1863, sera considérée comme accomplie avant cette époque, si un Décret de l'Assemblée Nationale en reconnaissait la nécessité.

ARTICLE IX.

A l'époque où la réunion des Iles Ioniennes au Royaume Hellénique aura lieu, aux termes de l'Article IV du présent Traité, Sa Majesté Britannique recommandera au Gouvernement des Etats Unis des Iles Ioniennes d'affecter annuellement une somme de dix mille livres sterling à augmenter la liste civile de Sa Majesté George I, Roi des Grecs.

ARTICLE X.

Chacune des trois Cours fera abandon en faveur du Prince Guillaume de Danemark de quatre mille livres sterling par an sur les sommes que le Trésor Grec s'est engagé à payer annuellement à chacune d'elles, en vertu de l'arrangement conclu à Athènes par le Gouvernement Grec, avec le concours des Chambres, au mois de Juin 1860.

Il est expressément entendu que ces trois sommes, formant un total de douze mille livres sterling annuellement, seront destinées à constituer une dotation personnelle de Sa Majesté le Roi, en sus de la liste civile fixée par la loi de l'Etat.

ARTICLE XI.

L'avènement du Prince Guillaume au Trône Hellénique n'apportera aucun changement aux engagements financiers que la Grèce a contractés par l'Article XII de la Convention signée à Londres le 7 Mai, 1832, envers les Puissances garantes de l'emprunt.

Il est entendu également que les Puissances veilleront d'un commun accord à l'exécution de l'engagement pris par le Gouvernement Hellénique au mois de Juin 1860, sur la représentation des trois Cours.

ARTICLE XII.

Les trois Cours s'emploieront dès à présent à faire reconnaître le Prince Guillaume de Danemark en qualité de Roi des Grecs par tous les Souverains et Etats avec lesquels elles se trouvent en relations.

ARTICLE XIII.

Sa Majesté le Roi de Danemark se réserve de prendre les mesures les plus propres à faciliter l'arrivée du Roi George I dans ses Etats, le plus tôt que faire se pourra.

ARTICLE XIV.

Les trois Cours porteront le présent Traité à la connaissance du Gouvernement Grec, et lui prêteront tout l'appui qui pourra dépendre d'elles, dans l'attente de l'arrivée prochaine de Sa Majesté le Roi.

ARTICLE XV.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres dans le délai de six semaines, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Londres le treize Juillet, l'an de grâce mil huit cent soixante-trois.

(L.S.)	RUSSELL.	(L.S.)	BILLE.
(L.S.)	BON. GROS.		
(L.S.)	BRUNNOW.		

Protocole de la Conférence tenue au Foreign Office le 3 Août, 1863.

Présens :

Les Plénipotentiaires de France ;
de la Grande Bretagne ;
de Russie ; et
de Danemark.

LE Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères ayant ouvert la séance, M. le Ministre de Sa Majesté le Roi de Danemark a donné lecture de la déclaration suivante :—

Sa Majesté le Roi George I, voulant se conformer aux usages qui prévalent en Grèce, et s'identifier autant que possible à sa patrie d'adoption, croit devoir déclarer aux Puissances protectrices de la Grèce qu'il désire prendre désormais le titre de Roi des Hellènes.

Les Plénipotentiaires de France et de la Grande Bretagne n'ayant présenté aucune observation à ce sujet, et désirant se rendre au vœu exprimé au nom de Sa Majesté le Roi George I, par M. le Plénipotentiaire de Sa Majesté le Roi de Danemark, se sont engagés, au nom de leurs Cours respectives, à reconnaître à Sa Majesté George I, Roi des Hellènes, le nouveau titre qu'il vient de prendre.

Le Plénipotentiaire de Russie s'est réservé de porter la déclaration du Plénipotentiaire de Danemark à la connaissance de sa Cour.

(Signé)	BON. GROS.
	RUSSELL.
	BRUNNOW.
	BILLE.

Protocole de la Conférence tenue au Foreign Office le 13 Octobre, 1863.

Presens :

Les Plénipotentiaires de France ;
de la Grande Bretagne ;
de Russie ; et
de Danemark.

PAR le Protocole du 3 Août, le Plénipotentiaire de Russie s'est réservé d'annoncer à sa Cour l'intention de Sa Majesté le Roi George I de porter le titre de Roi des Hellènes, au lieu de celui de Roi des Grecs, mentionné aux Articles II, IX, et XII du Traité du 13 Juillet.

Le Plénipotentiaire de Russie a déclaré aujourd'hui que sa Cour adhère à ce changement de titre, qui a obtenu déjà l'assentiment des deux autres Puissances garantes.

En conséquence, il est convenu d'un commun accord de substituer aux Articles II, IX, et XII, le titre de Roi des Hellènes à celui de Roi des Grecs.

Les Plénipotentiaires ont cru devoir constater en outre l'adhésion unanime de leurs Cours à un second changement de rédaction indiqué ci-après :—

Le Décret du $\frac{18}{30}$ Mars, 1863, cité à l'Article I, étant émané de l'Assemblée Nationale seule, il est convenu d'omettre dans le texte du susdit Article la mention du "Sénat," dont les fonctions législatives avaient cessé à l'époque où les vœux de la nation Hellénique ont appelé le Prince Guillaume de Danemark au Trône de la Grèce.

Les Plénipotentiaires réunis en Conférence ont constaté par le présent Protocole les changements apportés, d'ordre de leurs Cours, aux Articles I, II, IX, et XII, depuis l'échange des ratifications du Traité signé à Londres le 13 Juillet.

Messieurs les Représentants des Cours de France, de la Grande Bretagne, et de Russie, à Athènes, seront invités à porter ce Protocole à la connaissance du Gouvernement Hellénique.

(Signé) B^{ON}. GROS.
RUSSELL.
BRUNNOW.
BILLE.

(Translation.)

In the name of the Most Holy and Indivisible Trinity.

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias, being anxious to smooth the difficulties which have occurred in the Kingdom of Greece, placed under their common guarantee, have judged it necessary to come to an understanding with regard to the arrangements to be taken in order to give effect to the wish of the Greek nation, which calls the Prince William of Denmark to the Hellenic Throne.

His Majesty the King of Denmark, on his part, responding to the invitation of their said Majesties, has consented to afford them his co-operation with a view to that result, conformable to the interests of the general peace.

In consequence, their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias, on the one part, and His Majesty the King of Denmark on the other, have resolved to conclude a Treaty, and have for that purpose named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Majesty's Most Honourable Privy Council, Her Principal Secretary of State for Foreign Affairs ;

His Majesty the Emperor of the French, the Sieur John Baptist Louis Baron Gros, a Senator of the Empire, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Grand Cross of the Imperial Order of the Legion of Honour, Grand Cross of the Order of the Redeemer of Greece, of the Order of Isabella the Catholic of Spain, of the Pontifical Order of Pius IX, Commander of the Order of the Conception of Portugal, &c., &c., &c. ;

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His

actual Privy Councillor, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Knight of the Orders of Saint Andrew, of Saint Wladimir of the first class, of Saint Alexander Newski in diamonds, of the White Eagle, of Saint Anne of the first class, of Saint Stanislas of the first class, Grand Cross of the Imperial Order of the Legion of Honour, of Danebrog of Denmark in diamonds, and of the Order of the Redeemer of Greece of the first class, &c., &c., &c.;

And His Majesty the King of Denmark, the Sieur Torben de Bille, His Chamberlain, Commander of the Order of Danebrog, and decorated with the Cross of Honour of the same Order, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty;

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following Articles:—

ARTICLE I.

His Majesty the King of Denmark, in accordance with the Prince Christian of Denmark, acting in the character of guardian of his second son the Prince Christian William Ferdinand Adolphus George, accepts for that Prince, a minor, the hereditary sovereignty of Greece, which is offered to him by the Senate and the National Assembly of Greece in the name of the Hellenic nation.

ARTICLE II.

The Prince William of Denmark shall bear the title of George I, King of the Greeks.

ARTICLE III.

Greece, under the sovereignty of Prince William of Denmark, and the guarantee of the three Courts, forms a monarchical, independent, and constitutional State.

ARTICLE IV.

The limits of the Greek territory, determined by the arrangement concluded at Constantinople between the three Courts and the Ottoman Porte on the 21st of July, 1832, shall receive an extension by the union of the Ionian Islands with the Hellenic Kingdom, when such union, proposed by the Government of Her Britannic Majesty, shall have been found to be in accordance with the wishes of the Ionian Parliament, and shall have obtained the assent of the Courts of Austria, France, Prussia, and Russia.

ARTICLE V.

The Ionian Islands, when their union with the Kingdom of Greece shall have been effected, shall be comprised in the guarantee stipulated by Article III of the present Treaty.

ARTICLE VI.

In no case shall the Crown of Greece and the Crown of Denmark be united on the same head.

ARTICLE VII.

In conformity with the principle of the Hellenic Constitution recognized by the Treaty signed at London on the 20th of November, 1852, and proclaimed by the Decree of the National Assembly of Greece of the 30th of March, 1863, the legitimate successors of King George I must profess the tenets of the Orthodox Church of the East.

ARTICLE VIII.

The majority of Prince William of Denmark, fixed by the law of the Royal family at eighteen years complete, that is to say, on the 24th of December, 1863, shall be considered as attained before that date, if a Decree of the National Assembly should recognize the necessity thereof.

ARTICLE IX.

At the moment when the union of the Ionian Islands with the Hellenic Kingdom shall take place, according to the terms of Article IV of the present Treaty, Her Britannic Majesty will recommend to the Government of the United States of the Ionian Islands to appropriate annually a sum of ten thousand pounds sterling to augment the civil list of His Majesty George I, King of the Greeks.

ARTICLE X.

Each of the three Courts will give up in favour of Prince William of Denmark four thousand pounds a-year out of the sums which the Greek Treasury has engaged to pay annually to each of them, in pursuance of the arrangement concluded at Athens by the Greek Government, with the concurrence of the Chambers, in the month of June 1860.

It is expressly understood that these three sums, forming a total of twelve thousand pounds sterling annually, shall be destined to constitute a personal dotation of His Majesty the King, in addition to the civil list fixed by the law of the State.

ARTICLE XI.

The accession of Prince William to the Hellenic Throne shall not involve any change in the financial engagements which Greece has contracted by Article XII of the Convention signed at London on the 7th of May, 1832, towards the Powers guarantees of the loan.

It is equally understood that the Powers will in concert watch over the execution of the engagement taken by the Hellenic Government in the month of June 1860 upon the representation of the three Courts.

ARTICLE XII.

The three Courts shall, from this moment, use their influence in order to procure the recognition of Prince William of Denmark in the character of King of the Greeks by all the Sovereigns and States with whom they have relations.

ARTICLE XIII.

His Majesty the King of Denmark reserves to himself to take the measures which may be most proper for facilitating the arrival of King George I in his dominions as soon as possible.

ARTICLE XIV.

The three Courts will bring the present Treaty to the knowledge of the Greek Government, and will afford to that Government all the support in their power, while awaiting the speedy arrival of His Majesty the King.

ARTICLE XV.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the thirteenth day of July, in the year of our Lord one thousand eight hundred and sixty-three.

(L.S.)	RUSSELL.	(L.S.)	BILLE.
(L.S.)	BON. GROS.		
(L.S.)	BRUNNOW.		

Protocol of Conference held at the Foreign Office, August 3, 1863.

Present :

The Plenipotentiaries of France ;
Great Britain ;
Russia ; and
Denmark.

HER Britannic Majesty's Principal Secretary of State for Foreign Affairs having opened the meeting, the Minister of His Majesty the King of Denmark read the following declaration :—

His Majesty King George I, wishing to conform to the usages which prevail in Greece, and to identify himself as much as possible with his adopted country, thinks it

proper to declare to the Protecting Powers of Greece that he desires henceforward to take the title of King of the Hellenes.

The Plenipotentiaries of France and Great Britain not having offered any observation on this subject, and wishing to comply with the desire expressed in the name of His Majesty King George I by the Plenipotentiary of His Majesty the King of Denmark, engaged, in the name of their respective Courts, to recognize His Majesty George I, King of the Hellenes, by the new title which he has assumed.

The Plenipotentiary of Russia reserved to himself to bring the declaration of the Plenipotentiary of Denmark to the knowledge of his Court.

(Signed) B^{ON}. GROS.
RUSSELL.
BRUNNOW.
BILLE.

Protocol of Conference held at the Foreign Office, October 13, 1863.

Present :

The Plenipotentiaries of France ;
Great Britain ;
Russia ; and
Denmark.

BY the Protocol of the 3rd of August the Plenipotentiary of Russia reserved to himself to announce to his Court the intention of His Majesty King George I to assume the title of King of the Hellenes, instead of that of King of the Greeks, mentioned in Articles II, IX, and XII of the Treaty of the 13th of July.

The Plenipotentiary of Russia now declared that his Court accedes to that change of title, which had already obtained the assent of the two other guaranteeing Powers.

In consequence, it was agreed by common consent to substitute in Articles II, IX, and XII the title of King of the Hellenes for that of King of the Greeks.

The Plenipotentiaries deemed it proper to place, moreover, upon record the unanimous accession of their Courts to the further verbal alteration indicated hereinafter.

The Decree of the $\frac{1}{30}$ th of March, 1863, referred to in Article I, having been issued by the National Assembly only, it was agreed to omit in the text of the said Article the mention of the "Senate," whose legislative functions had ceased at the time when the wish of the Hellenic nation called Prince William of Denmark to the Throne of Greece.

The Plenipotentiaries assembled in Conference recorded by the present Protocol these alterations made, by order of their Courts, in Articles I, II, IX, and XII subsequently to the exchange of the ratifications of the Treaty signed at London on the 13th of July.

The Representatives of the Courts of France, Great Britain, and Russia at Athens will be instructed to bring this Protocol to the knowledge of the Hellenic Government.

(Signed) B^{ON}. GROS.
RUSSELL.
BRUNNOW.
BILLE.

GREECE.

TREATY relative to the Accession of Prince William
of Denmark to the Throne of Greece.

Signed at London, July 18, 1863.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

GREECE. No. 1. (1864.)

PAPERS

RELATING TO

GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
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I N D E X.

				Original.	Translation.
				Page.	Page.
1. Protocol (A) of Conference, January 25, 1864 .	..	..	..	1	1
2. Protocol (B) of Conference, January 25, 1864 .	..	..	..	2	3
3. Protocol of Conference, March 29, 1864 . .	..	..	..	5	5
4. Note from Earl Russell to M. Tricoupi, April 9, 1864	..	..	..	5	..

Papers relating to Greece.

No. 1.

Protocole (A) de la Conférence tenue au Foreign Office, le 25 Janvier, 1864.

Présens :

Les Plénipotentiaires d'Autriche ;
de France ;
de la Grande Bretagne ;
de Prusse ; et
de Russie.

LE Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères s'étant entendu avec les Plénipotentiaires de France et de Russie, a annoncé que les trois Cours Protectrices s'accordent unanimement à penser—

1. Qu'il n'y a pas lieu d'insister sur la limitation des forces navales et militaires que la Grèce entretiendra dans les Iles Ioniennes, ainsi que le porte l'Article II du Traité du 14 Novembre.

2. Que les avantages de la neutralité établie par le même Article en faveur des Sept Iles devront s'appliquer seulement aux Iles de Corfou et de Paxo, ainsi qu'à leurs dépendances.

Afin de réaliser la pensée des Puissances signataires du Traité du 14 Novembre, le Principal Secrétaire d'Etat est d'avis qu'il suffit d'insérer dans le Traité à conclure avec la Grèce, un Article conçu dans les termes suivants :—

“ Les Cours de France, de la Grande Bretagne, et de Russie, en leur qualité de Puissances garantes de la Grèce, déclarent, avec l'assentiment des Cours d'Autriche et de Prusse, que les Iles de Corfou et de Paxo, ainsi que leurs dépendances, après leur réunion au Royaume Hellénique, jouiront des avantages d'une neutralité perpétuelle.

“ Sa Majesté le Roi des Hellènes s'engage, de son côté, à maintenir cette neutralité.”

Les Plénipotentiaires d'Autriche et de Prusse ont donné leur adhésion aux deux modifications ci-dessus mentionnées, ainsi qu'à la rédaction de l'Article proposé par les Plénipotentiaires des trois Puissances Protectrices.

(Signé)

APPONYI.
LA TOUR D'AUVERGNE.
RUSSELL.
BERNSTORFF.
BRUNNOW.

(Translation.)

Protocol (A) of Conference held at the Foreign Office, January 25, 1864.

Present :

The Plenipotentiaries of Austria ;
France ;
Great Britain ;
Prussia ; and
Russia.

THE Principal Secretary of State for Foreign Affairs of Her Britannic Majesty having come to an understanding with the Plenipotentiaries of France and Russia, announced that the three Protecting Courts are unanimously of opinion—

1. That it is not necessary to insist upon the limitation prescribed by Article II of the Treaty of the 14th of November, as to the naval and military forces to be maintained by Greece in the Ionian Islands.

2. That the advantages of neutrality established by the same Article in favour of the Seven Islands shall apply only to the Islands of Corfu and Paxo and their dependencies.

In order to carry out the intention of the signing Powers of the Treaty of the 14th of November, the Principal Secretary of State was of opinion that it would be sufficient to insert in the Treaty to be concluded with Greece an Article in the following terms:—

“The Courts of Great Britain, France, and Russia, in their character of guaranteeing Powers of Greece, declare, with the assent of the Courts of Austria and Prussia, that the Islands of Corfu and Paxo, as well as their dependencies, shall, after their union to the Hellenic Kingdom, enjoy the advantages of perpetual neutrality.

“His Majesty the King of the Hellenes engages, on his part, to maintain such neutrality.”

The Plenipotentiaries of Austria and Prussia gave their adhesion to the two modifications above mentioned, as well as to the wording of the Article as proposed by the Plenipotentiaries of the three Protecting Powers.

(Signed)

APPONYI.

LA TOUR D'AUVERGNE.

RUSSELL.

BERNSTORFF.

BRUNNOW.

No. 2.

Protocole (B) de la Conférence tenue au Foreign Office, le 25 Janvier, 1864.

Présens :

Les Plénipotentiaires d'Autriche ;
de France ;
de la Grande Bretagne ;
de Prusse ; et
de Russie.

LE Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères, en ouvrant la séance, a annoncé que les Plénipotentiaires des Cours de France, de la Grande Bretagne, et de Russie, conformément à la teneur de l'Article VI du Traité conclu à Londres le 14 Novembre, 1863, sont entrés déjà en communication avec le Gouvernement Hellénique, sur les arrangements que pourra nécessiter la réunion des Iles Ioniennes à la Grèce.

Afin de faciliter le succès de cette négociation, le Principal Secrétaire d'Etat a signalé l'opportunité de compléter, par un Protocole explicatif, les stipulations contenues dans l'Article IV, afin d'en préciser le sens de manière à prévenir toute fausse interprétation.

Dans ce but, il a constaté que les avantages acquis à la navigation et au commerce étrangers, en vertu des Traités conclus par le Gouvernement de Sa Majesté Britannique, en sa qualité de Protectrice de l'Etat Ionien, ne sont point permanents, mais limités dans leur durée. Par conséquent, ils ont besoin d'être renouvelés ou modifiés par de nouveaux arrangements, à l'époque où les Conventions en vertu desquelles ces avantages ont été concédés viendront à expirer, après les notifications d'usage.

A l'échéance de ce terme, le Gouvernement Hellénique aura la faculté de s'entendre avec les Puissances étrangères sur les arrangements à prendre, de gré à gré, pour régler les questions de commerce, de douane, de navigation, de communications postales, &c., dans un esprit favorable au développement des relations réciproques des pays respectifs.

Après cet exposé, le Principal Secrétaire d'Etat a invité les Plénipotentiaires, réunis en Conférence, à échanger leurs idées sur l'application des principes qu'il a cru devoir déférer à leur examen.

M. l'Ambassadeur d'Autriche a énoncé à ce sujet l'opinion de sa Cour dans les termes ci-après:—

Le Cabinet Impérial, en adhérant à la réunion des Iles Ioniennes au Royaume Hellénique, a cru devoir veiller, avec soin, à ce que ce changement, apporté à l'existence politique de l'Etat Septinsulaire, n'altérât en rien les avantages assurés aux sujets Autrichiens par les Traités et les Conventions conclus et actuellement en vigueur aux Iles Ioniennes, sous le régime du protectorat Anglais.

Dans cette vue, le Cabinet Impérial a essentiellement tenu à sauvegarder le maintien des privilèges légalement concédés à la Compagnie du Lloyd Autrichien. Ils se réfèrent

principalement aux facilités accordées à la navigation du Lloyd, et consistent notamment dans la *libera pratica*, et dans l'exemption des droits de port, dont cette Compagnie jouit dans les Îles Ioniennes, en vertu de la Convention Postale conclue le 1 Décembre, 1853.

Le Traité de Commerce entre l'Autriche et la Grèce est loin de concéder les mêmes avantages à la navigation Autrichienne. Il s'en suit, que si, en fréquentant désormais les ports Ioniens, les bâtimens du Lloyd étaient soumis aux réglemens en vigueur en Grèce, ils éprouveraient un dommage réel. De plus, le cabotage étant réservé en Grèce à la navigation indigène, on pourrait, du moment où les ports Ioniens deviendraient Grecs, contester aux navires du Lloyd le droit de faire, comme à présent, leurs voyages réguliers entre les ports Ioniens et les ports Grecs.

Le paragraphe 3 de l'Article IV du Traité du 14 Novembre dernier a eu pour but d'obvier à cet inconvénient.

Le Cabinet Impérial est en droit de réclamer l'application pleine et entière du paragraphe précité en faveur des bateaux de la Compagnie du Lloyd : il consent cependant, à titre de concession, à ce que les dispositions de ce paragraphe ne restent en vigueur que jusqu'à la conclusion de nouvelles Conventions formelles ou d'arrangemens destinés à régler entre les parties intéressées les questions de commerce, de navigation, ainsi que celles du service régulier des communications postales.

De même, le Cabinet Impérial reconnaît au Gouvernement Hellénique le droit inhérent à chaque Etat indépendant d'élever ou d'abaisser ses tarifs de douane par mesures de législation intérieure.

M. l'Ambassadeur d'Autriche a tenu à constater, d'ordre de sa Cour, que le fait de la réunion des Îles Ioniennes à la Grèce ne saurait porter préjudice aux droits acquis au commerce et à la navigation de l'Autriche, en vertu de Traités actuellement en vigueur, aussi longtemps que de nouveaux arrangements à ce sujet n'auront pas été conclus entre les parties intéressées. Il a cru pouvoir insister d'autant plus sur ce point, que son Gouvernement avait le droit incontestable de s'en tenir purement et simplement aux stipulations du Traité du 14 Novembre dernier.

M. l'Ambassadeur de Prusse a donné à la déclaration ci-dessus son complet assentiment ; en constatant également, d'ordre de sa Cour, que le fait de la réunion des Îles Ioniennes à la Grèce ne saurait porter préjudice aux droits acquis au commerce et à la navigation de la Prusse et des autres États du Zollverein en vertu des Traités actuellement en vigueur.

Le Principal Secrétaire d'Etat de Sa Majesté Britannique, ainsi que les Ambassadeurs de France et de Russie, ont apprécié la justesse de ces explications, et exprimé l'intention d'en tenir compte dans la poursuite de la négociation confiée à leurs soins.

Dans ce but, le Principal Secrétaire d'Etat de Sa Majesté Britannique s'est chargé, au nom de la Conférence, de porter le présent Protocole explicatif à la connaissance du Cabinet d'Athènes.

(Signé)

APPONYI.
LA TOUR D'AUVERGNE.
RUSSELL.
BERNSTORFF.
BRUNNOW.

(Translation.)

Protocol (B) of Conference held at the Foreign Office, January 25, 1864.

Present :

The Plenipotentiaries of Austria ;
France ;
Great Britain ;
Prussia ; and
Russia.

THE Principal Secretary of State for Foreign Affairs of Her Britannic Majesty announced at the commencement of the meeting that the Plenipotentiaries of the Courts of France, Great Britain, and Russia had, in conformity with the provisions of Article VI of the Treaty concluded at London on the 14th of November, 1863, already entered into communication with the Hellenic Government, with regard to the arrangements which would become necessary in consequence of the union of the Ionian Islands to Greece.

In order to facilitate the success of that negotiation the Principal Secretary of State

suggested that it would be desirable to complete, by an explanatory Protocol, the stipulations contained in Article IV, so that the sense thereof might be defined in such a manner as to prevent any misinterpretation.

With this view he pointed out that the advantages acquired by foreign navigation and commerce, in virtue of Treaties concluded by the Government of Her Britannic Majesty, in the character of Protector of the Ionian States, are not permanent, but limited in their duration. Consequently it would be necessary that they should be renewed or modified by fresh arrangements, at the time when the Conventions in virtue of which such advantages have been conceded should expire after the customary notices.

At the end of such term the Hellenic Government will be at liberty to come to an understanding with foreign Powers with regard to the arrangements to be made by mutual agreement for the purpose of regulating questions of commerce, customs, navigation, communication by post, &c., in a spirit favourable to the development of the relations between the respective countries.

After this statement the Principal Secretary of State invited the Plenipotentiaries assembled in Conference to communicate to each other their ideas as to the application of the principles which he had thought it desirable to submit to their consideration.

The Ambassador of Austria expressed in the following terms the opinion of his Court upon the subject :

The Imperial Cabinet, in acceding to the union of the Ionian Islands with the Hellenic Kingdom, has felt itself bound to take care that this change in the political existence of the Septinsular State shall in no way impair the advantages secured to Austrian subjects, by Treaties and Conventions concluded and actually in force in the Ionian Islands, under the system of British Protectorate.

With this view, the Imperial Cabinet has attached essential importance to the maintenance of the privileges lawfully conceded to the Company of the Austrian Lloyds. Those privileges refer chiefly to the facilities granted to the Lloyd's vessels, and especially comprise the *libera pratica*, and the exemption from port dues which that Company enjoys in the Ionian Islands, in virtue of the Postal Convention concluded on the 1st of December, 1853.

The Treaty of Commerce between Austria and Greece is far from conceding the same advantages to Austrian navigation. It therefore follows, that if the vessels of the Lloyd's, in henceforward visiting Ionian ports, were to be subjected to the regulations in force in Greece, they would sustain a real injury. Moreover, the coasting trade being reserved in Greece to national vessels, the right of the Lloyd's vessels to make, as at present, their regular voyages between Ionian ports and Greek ports, might, from the moment when Ionian ports become Greek ports, be disputed.

The object of the third paragraph of Article IV of the Treaty of the 14th of November was to obviate this inconvenience.

The Imperial Cabinet has the right to claim the full and entire application of the abovementioned paragraph in favour of the vessels of the Lloyd's Company ; but nevertheless it consents, by way of concession, that the arrangements of that paragraph shall remain in force only until the conclusion of new formal Conventions or of arrangements for the purpose of regulating between the parties concerned, questions of commerce and navigation, as well as questions relating to the regular service of communication by post.

The Imperial Cabinet moreover recognizes that the Hellenic Government possesses the right inherent in every independent State to raise or lower its Tariff of Customs by measures of internal legislation.

The Ambassador of Austria particularly insisted, by order of his Court, that the fact of the union of the Ionian Islands to Greece cannot prejudice the rights acquired by Austrian commerce and navigation in virtue of Treaties actually in force, so long as fresh arrangements on the subject shall not have been concluded between the respective parties. He claimed to insist the more strongly upon this point, because his Government had the incontestable right to abide purely and simply by the stipulations of the Treaty of the 14th of November last.

The Ambassador of Prussia gave his complete assent to the preceding declaration, and insisted likewise, by order of his Court, that the fact of the union of the Ionian Islands to Greece cannot prejudice the rights acquired by the commerce and navigation of Prussia and the other States of the Zollverein in virtue of Treaties actually in force.

The Principal Secretary of State of Her Britannic Majesty, as well as the Ambassadors of France and Russia, appreciated the justice of these explanations, and expressed the intention of giving them due weight in the prosecution of the negotiations entrusted to their care.

With this view the Principal Secretary of State of Her Britannic Majesty undertook,

in the name of the Conference, to bring the present explanatory Protocol before the Cabinet of Athens.

(Signed) APPONYI.
LA TOUR D'AUVERGNE.
RUSSELL.
BERNSTORFF.
BRUNNOW.

No. 3.

Protocole de la Conférence tenue au Foreign Office, le 29 Mars, 1864.

Présens :

Les Plénipotentiaires de France ;
de la Grande Bretagne ;
de Russie ; et
de Grèce.

LE Plénipotentiaire de Sa Majesté Hellénique déclare que le Roi George est décidé à maintenir, dans toute son intégrité, la clause du Décret concernant son élection, en vertu de laquelle ses héritiers et successeurs légitimes au Trône de Grèce doivent professer les dogmes de l'Eglise Orthodoxe d'Orient.

Les Plénipotentiaires de France, de la Grande Bretagne, et de Russie, ont résolu de déposer la présente déclaration aux actes de la Conférence.

(Signé) LA TOUR D'AUVERGNE.
RUSSELL.
BRUNNOW.
CH. TRICOUPI.

(Translation.)

Protocol of Conference held at the Foreign Office, March 29, 1864.

Present :

The Plenipotentiaries of France ;
Great Britain ;
Russia ; and
Greece.

THE Plenipotentiary of His Hellenic Majesty declared that King George had decided to maintain, in all its integrity, that clause of the Decree concerning his election, in virtue of which his legitimate heirs and successors to the Throne of Greece must profess the tenets of the Orthodox Church of the East.

The Plenipotentiaries of France, Great Britain, and Russia resolved to record the present declaration among the acts of the Conference.

(Signed) LA TOUR D'AUVERGNE.
RUSSELL.
BRUNNOW.
CH. TRICOUPI.

No. 4.

Earl Russell to M. Tricoupi.

Foreign Office, April 9, 1864.

THE Undersigned, &c., has the honour to inform M. Tricoupi, &c., that the Austrian and Prussian Governments signified to the Undersigned their consent to the term of fifteen years fixed in the last paragraph of the IIIrd Article of the Treaty of the 29th ultimo between Great Britain, France, Russia, and Greece, as the term within which new Conventions shall be concluded for the purpose of regulating, between the parties concerned, questions of commerce and navigation, and questions relating to the regular service of communication by post.

The Undersigned, &c.

(Signed) RUSSELL.

GREECE. No. 1. (1864.)

Papers relating to Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

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GREECE. No. 2. (1864.)

P A P E R S

RELATING TO THE

ARRANGEMENT CONCLUDED AT ATHENS

IN JUNE 1860,

RESPECTING THE

G R E E K L O A N .

*Presented to the House of Commons by Command of Her Majesty, in pursuance of their
Address dated April 29, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.								Page
1.	Lord J. Russell to Sir T. Wyse	..	..	..	..	..	August 22, 1859	1
2.	Sir T. Wyse to Lord J. Russell	..	..	..	..	..	October 21, —	2
	One Inclosure.							
3.	Mr. Eliot to Lord J. Russell	..	..	..	..	..	June 21, 1860	5
	Two Inclosures.							
4.	Sir T. Wyse to Lord J. Russell	..	..	..	..	..	February 21, 1861	6
5.	Lord J. Russell to Sir T. Wyse	..	..	..	..	..	April 11, —	6
6.	Sir T. Wyse to Lord J. Russell	..	..	..	..	..	May 2, —	6
	One Inclosure.							
7.	Sir T. Wyse to Lord J. Russell	..	..	..	..	..	June 13, —	7

RETURN to an Address of the Honourable the House of Commons, dated April 29, 1864;

for—

“A Copy of the Arrangement concluded at Athens in June 1860 respecting the Greek Loan.”

No. 1.

Lord J. Russell to Sir T. Wyse.

(Extract.)

Foreign Office, August 22, 1859.

WITH reference to your despatch of the 26th of May,* addressed to the Earl of Malmesbury, I have to state to you that Her Majesty's Government have had under their attentive consideration the Report of the Commission which, with the concurrence of the Greek Government, was appointed in 1857, on the part of Great Britain, France, and Russia, to inquire into the financial state of Greece, in consequence of the total failure on the part of the Greek Government to meet the charges on the Greek Loan as they became due, and the payment of which has therefore consequently for some years past entirely fallen on the three Guaranteeing Powers.

Her Majesty's Government have learned with the greatest satisfaction the perfect unanimity with which, after a long, laborious, and searching inquiry, the members of the Commission adopted the conclusions recorded in their Report, a unanimity which must tend strongly to impress on the Greek Government the necessity of those reforms in the financial administration of the country which the Greek Government are recommended at once to effect, and which, if steadily and faithfully carried out, will, Her Majesty's Government feel assured, not only enable Greece, with the actual resources at her command, to meet punctually her engagements towards the three Guaranteeing Powers, but will also materially insure the future well-being of that country.

With respect to the ulterior steps to be taken for giving due effect to the recommendation of the Commission, I have to instruct you, after consulting with your French and Russian colleagues, to address a note to the Greek Government embodying the results of the inquiries made by the Commission and the conclusions to which those inquiries have inevitably led. You will say that Her Majesty's Government, entirely concurring in the Report which has unanimously been adopted by the Representatives of the three Protecting Powers forming the Commission, have instructed you to urge on the Government of Greece the absolute necessity of adopting without delay the administrative and financial reforms recommended by them; that Her Majesty's Government, equally with the Governments of France and Russia, are not desirous unduly to press the Greek Government, and above all things are averse to retard the development of the industrial resources of Greece, and that therefore the three Protecting Powers have in concert, with all due regard to the wants of the State, fixed the minimum of the sum to be paid at first by Greece towards meeting the charges on the Loan at 900,000 francs, that sum to be afterwards increased in proportion to the improved state of the Greek finances at periods to be afterwards determined, when the question respecting the sinking fund of the debt shall be arranged.

Her Majesty's Government, from the knowledge which they have acquired of the financial resources of the country, feel assured that the Government of Greece will have no difficulty in setting aside the above-mentioned sum as its first payment, and in return for the moderation shown by the three Protecting Powers in fixing the amount those Powers may well consider that they have acquired a right to expect and to require that the Greek Government will carry out such an effectual system of reform in the

* Inclosing Report of Financial Commission. Report laid before Parliament, May 11, 1860.

Departments of the State as will entirely remove all cause of future complaint in consequence of the failure of the Greek Government to fulfil engagements solemnly contracted towards the three Powers.

You will add that if the Greek Government fails in discharging its duty in this respect the only course left for the three Protecting Powers to pursue will be rigorously to exact the execution of the XIIth Article of the Treaty of 1832, by which Greece binds herself to lay aside the first produce of Greek revenue towards the payment of the interest and sinking fund of the Loan.

I need scarcely add that you will on all occasions unreservedly consult with your colleagues as to the best mode of giving effect to the intentions of your respective Governments in regard to this matter, always bearing in mind that unanimity between you is indispensable to give full and entire effect to the object in view.

No. 2.

Sir T. Wyse to Lord J. Russell.—(Received October 29.)

(Extract.)

Athens, October 21, 1859.

I HAVE the honour to transmit herewith inclosed copy of a note addressed to-day to M. Coundouriotis.

Inclosure in No. 2.

Sir T. Wyse to M. Condouriotis.

Sir,

Athens, October 20, 1859.

HER Majesty's Government have had under their attentive consideration the Report of the Commission which, with the concurrence of the Greek Government, was appointed in 1857, on the part of Great Britain, France, and Russia, to inquire into the financial state of Greece, in consequence of the failure on the part of the Greek Government to meet the charges on the Greek loan as they came due, and the payment of which has therefore consequently for some time past entirely fallen on the three guaranteeing Powers.

Her Majesty's Government have in consequence instructed me to bring under the serious consideration of the Greek Government the results of the inquiries made by the Commission, and the conclusions to which those inquiries have inevitably led, and which are set forth in the Report, copy of which I have had the honour to transmit this day, on the part of the Commission, with the approbation of the Governments of the three guaranteeing Powers.

The Commission being duly constituted determined at its first meeting, for the purpose of facilitating their future labours, to proceed in the inquiry in the following order:—

1. Examination of the administration of the revenues and resources of the country.
2. Examination of the receipts and mode of collection.
3. Examination of the expenditure.
4. Examination of the reforms it might be advisable to propose.

After a long series of inquiries and discussions under each of these heads, the Commission came on each to the following conclusions:—

And first, with regard to the administration and the revenues, they found:

That the agents charged with administration as well as with the collection of the public revenues had evaded and combined to elude the proper surveillance and control of the State, though such surveillance is fully established by the legislation of the country.

That these several agents had not sufficiently applied the laws which regulate the financial administration of the country. That the Ministers charged with directing the expenditure had hitherto rendered no account to the country.

That the Ministers of Finance had in scarcely any instance since 1854 justified, by the production of the accounts which the law enjoined them to publish, the amount of the public revenue, nor the manner in which it had been applied; for although the accounts of 1850, 1851, 1852, had been completed on the first appointment of the Commission, the account of 1850 was the only one submitted to the Chambers, and no law confirming this account (*Loi des Comptes*) had since passed the Legislature.

That the *Cour des Comptes* (Audit Office) had not justified by its declarations of

conformity and the Reports which it is bound to publish, that the administration had been conducted with regularity, and that consequently the accounts had not been what they ought to be; in a word, that it had not discharged the trust confided to it by the nation.

That the Chambers, which ought to have watched over of all the financial bodies of the State, had not acted with the punctuality and vigilance required from them by the Constitution.

That the judicial control not more than the Constitutional had been duly exercised, and that in consequence even the accounts actually produced by the Administration did not present all the legal guarantees of accuracy and authenticity required.

That the publicity and control of the acts of the Administration, which are the guarantees of the country and of the Protecting Powers, did not *de facto* exist.

In a word, that the administration of the finances of the country had not been and were not conducted with the necessary order.

And that consequently in reference to the second chapter of their inquiry, viz., the receipts:—

That the country did not draw from her soil and industry as much as under a better system of administration she would have had a right to expect.

That the property as well as several of the public imports and revenues did not return to the State what they ought.

That the national domains being neither defined nor well ascertained were exposed to diminution by constant encroachment.

That the “*impôt foncier*” in particular contained abuses universally recognized and injurious to the Public Treasury, while on the other hand this impost checked the development of agriculture, the principal resource of Greece.

That the income as well as the expenditure of the Communes had hitherto remained almost unknown to the State, thus eluding its superintendence, although charged with this duty by the law concerning the guardianship of the Communes, and that their prosperity was the principal element of the general prosperity of the nation.

That every year the amount of arrears augmented, thus involving in a dependence on the Treasury a large number of creditors.

That the laws intended to effectuate the liquidation of these arrears had not produced any serious result.

That this state of things reflected grave injury on the interests of the Treasury, at the same time that it seriously affected the industry of the nation.

And that in consequence, with reference to its resources, agricultural and commercial, they had not received that development of which they were capable, and of which the country stood so much in need.

And in reference to the expenditure:—

That the revenues of the country had increased without any attempt being made on the part of the Government to satisfy engagements contracted under the sanction of Treaties or promises solemnly reiterated to the three Powers.

That in proportion as the revenues and resources of the State increased, in the same proportion the expenditure augmented without presenting either in the situation of the country, or in works of public utility, or in encouragements given to industry or in any improvement originating in the State, a sufficient compensation for the sacrifices annually made by the three Protecting Powers.

That in proportion as the expenditure increased in regard to the receipts, the sums allocated in the annual budgets for the reimbursements of the sums due to the three Protecting Powers had annually diminished.

That in this situation all the sources of public credit open to those nations only who are faithful to their engagements were dried up for Greece, and that this situation, so painfully affecting the interests of the country, had become more and more aggravated every day; for even were the three Powers to sacrifice the interests due to their advances up to the 1st January, 1859, the debt would still stand at that date at 56,142,314 francs 75 centimes, and on the 1st March, 1870, the period when the holders of bonds would have their claims satisfied in full, it would have risen to a total of 121,528,198 francs 81 centimes.

That Article XII of the Convention of the 7th May, 1832, assigned the first revenues of Greece to the service of the interest and sinking fund of the loan.

And that in consequence, in conformity with the strict terms of the Convention, the service of the interest and sinking fund of the loan could even now be insisted on.

The Commission having arrived at these conclusions with regard to the three first branches of the inquiry proceeded to the consideration of the fourth, or the question of

the reforms to be proposed, and after due examination and discuss decided to submit the following suggestions to their Governments:—

That the attention of the Greek Government should be seriously called, in order to apply a remedy to this state of things—

To the necessity of putting an end to the encroachments on the national domains, by means of a cadastre or national survey, or by the verification of the titles of property, or by such other measure as might best ensure such result.

To the benefits which would accrue to the interests alike of the taxpayer and of the Treasury by effective modifications in certain laws regulating the public imports, but especially in the “*impôt foncier*.”

To the necessity of giving to the financial laws of the country their full effect by an administration more firm and more vigilant than what had hitherto prevailed.

In fine, to the necessity of ensuring full publicity of, and effectual control over, the judicial and legislative powers created by the Constitution and especial laws at different times enacted for that purpose.

And in that view it is suggested at the Synods fixed by the law for the presentation of the Budget to the Chambers, the publication of the general report of the *Cour des Comptes* and its declarations of conformity, that printed copies of these documents, in sufficient numbers, be officially transmitted to the Legations of England, France, and Russia.

In conclusion, the Commission, after an attentive examination and consideration of the resources of the Greek Treasury, having arrived at the conviction that Greece, without injury to her public service or to her regular development, was at present fully able to contribute 900,000 francs to the sacrifices every year made on her behalf, it submitted to the three respective Governments that such sum ought to be fixed on as the minimum to be required from Greece for her first payment. Proviso, however, that in the presumption that the resources of the country would continue to increase, this sum should, at periods hereafter to be determined, be increased proportionably.

Her Majesty's Government concurring entirely in the report which has unanimously been adopted by the Representatives of the three protecting Powers forming the Commission, and in these premises has further instructed me to urge on the Government of Greece the absolute necessity of adopting without delay the administrative and financial reforms recommended by them. Her Majesty's Government equally with the Governments of France and Russia, are unwilling to press unduly the Greek Government, and above all things are averse to retard the development of the industrial resources of Greece, and that in consequence the three protecting Powers have in concert, with all due regard to the wants of the State, fixed the minimum of the sum to be paid at first by Greece towards meeting the charges on the Loan at 900,000 francs; that sum to be afterwards increased in proportion to the improved state of the Greek finances, at periods to be afterwards determined when the question respecting the sinking fund of the debt shall be arranged.

In return for the moderation shown by the three protecting Powers in fixing the amount, those Powers may well consider that they have acquired a right to expect and to require that the Greek Government will carry out such an effectual system of reform in the Departments of the State as will entirely remove all cause of future complaint in consequence of the failure of the Greek Government to fulfil engagements solemnly contracted towards the three Powers.

Her Majesty's Government, from the knowledge which they have acquired of the financial resources of the country, feel assured that the Government will have no difficulty in setting aside the same as its first payment.

I am further instructed to add that if the Greek Government fails in discharging its duty in this respect, the only course left for the three protecting Powers to pursue will be rigorously to exact the requisition of the XIIth Article of the Treaty of 1832, by which Greece binds herself to lay aside the first produce of Greek revenues towards the interest and sinking fund of the loan.

I have, &c.
(Signed) THOS. WYSE.

Mr. Eliot to Lord J. Russell.—(Received June 29.)

My Lord,

Athens, June 21, 1860.

I HAVE the honour to inclose herewith copy of a note which I have received this day from M. Condouriotis, in which he states that the Hellenic Government having obtained the necessary vote from the Legislative Chambers has authorized the King's Representatives at the Courts of London, Paris, and St. Petersburg to inform the Governments of the three Guaranteeing Powers that the sum of 900,000 francs is placed at their disposal, in accordance with the decision come to on the Report of the Financial Commission.

The Greek Ministers at the above mentioned Courts will be further instructed to make some observations upon certain assertions contained in the Report of the Finance Commission.

I have likewise the honour to inclose copy of my answer to M. Condouriotis' communication.

I have, &c.

(Signed) W. G. CORNWALLIS ELIOT.

Inclosure 1 in No. 3.

M. Condouriotis to Mr. Eliot.

Monsieur,

Athènes, le 9^e Juin, 1860.

L'OFFICE en date du 20 Octobre, 1859, que le très-honorable Sir Thomas Wyse m'avait fait l'honneur de m'adresser pour inviter le Gouvernement Hellénique, au nom de Sa Majesté la Reine de la Grande Bretagne, à contribuer au service de l'emprunt de soixante millions, par un versement annuel de 900,000 francs, a été pris en sérieuse considération.

Le Gouvernement du Roi tout en considérant que cette demande est très-éloignée des propositions qu'il avait spontanément soumises en 1856 aux trois Puissances garantes, et en disproportion avec ses besoins et ses ressources, s'est toutefois décidé à y faire droit en s'imposant plus d'un sacrifice et en bornant au strict nécessaire les dépenses de l'Etat.

J'ai en conséquence l'honneur de vous annoncer, Monsieur, que le crédit de 900,000 francs demandés dans ce but aux Chambres ayant été obtenu, le Gouvernement Royal vient de charger les Ministres du Roi à Londres, à Paris, et à St. Petersburg de porter à la connaissance des Puissances garantes que la somme ci-dessus mentionnée est à leur disposition, et à leur soumettre à la fois les observations nécessaires relativement à certaines assertions contenues dans le Rapport de la Commission Financière.

J'aime à espérer que l'empressement que le Gouvernement du Roi a mis à satisfaire à la demande des Puissances sera considéré à Londres comme une preuve de plus de sa sincérité à remplir ses engagements dans la mesure de ses forces.

Agréé, &c.

(Signé) C. A. G. CONDOURIOTIS.

(Translation.)

Sir,

Athens, June 9th, 1860.

THE communication dated the 20th of October, 1859, which the Right Honourable Sir Thomas Wyse did me the honour to address to me, inviting the Hellenic Government, in the name of Her Majesty the Queen of Great Britain, to contribute to the settlement of the loan of sixty millions by a yearly payment of 900,000 francs, has been taken into serious consideration.

The Government of the King, while they consider that this demand is far removed from the proposals they had spontaneously submitted in 1856 to the three guaranteeing Powers, and disproportionate to their wants and their resources, has nevertheless determined to carry it out, by imposing on themselves more than one sacrifice, and confining the expenses of the State to what is strictly necessary.

I have consequently the honour to announce to you, Sir, that the vote of 900,000 francs, asked of the Chambers for this purpose, having been obtained, the Royal Government has instructed the King's Ministers in London, Paris, and St. Petersburg, to bring to the knowledge of the guaranteeing Powers that the above-mentioned sum is at their

disposal, and to submit at the same time the necessary remarks relative to certain assertions contained in the Report of the Financial Commission.

I trust that the anxiety shown by the King's Government to satisfy the demand of the Powers will be considered in London as a further proof of their sincerity in fulfilling their engagements as far as lies in their power.

Accept, &c.
(Signed) C. A. G. CONDOURIOTIS.

Inclosure 2 in No. 3.

Mr. Eliot to M. Condouriotis.

Sir,

Athens, June 21, 1860.

I HAVE the honour to inform you that having received your communication of this day stating that the sum of 900,000 francs has been placed at the disposal of the Guaranteeing Powers, and that His Hellenic Majesty's Representatives at the Courts of London, Paris, and St. Petersburg will be instructed to notify the same to those Governments, with further instructions to make observations on certain assertions made in the Report of the Financial Commission, I shall not fail to forward the same by to-morrow's post to Her Majesty's Government.

I have, &c.
(Signed) W. G. CORNWALLIS ELIOT.

No. 4.

Sir T. Wyse to Lord J. Russell.—(Received March 2.)

(Extract.)

Athens, February 21, 1861.

THE Greek Government, in their note addressed under date of the ^{9th}/_{21st} June last to their Representatives at the Courts of the three Powers (London, Paris, and St. Petersburg), conveyed the intimation, for the information of the three Powers, that the sum of 900,000 francs, fixed on by the Financial Commission as the minimum amount to be paid at present for the service of the loan made by M. Rothschild under their guarantee to Greece, after having received the sanction of the Legislature, was at their disposal.

Mr. Eliot received a note under same date, communicating the same information, copy of which he had the honour of forwarding to your Lordship.

No. 5.

Lord J. Russell to Sir T. Wyse.

(Extract.)

Foreign Office, April 11, 1861.

I HAVE to inform you, in reply to your despatch of the 21st of February last, that Her Majesty's Government on their part agree to accept the sum of 900,000 francs as a payment to the three Powers from the Greek Government, on account of the interest due on the guaranteed loan.

No. 6.

Sir T. Wyse to Lord J. Russell.—(Received May 11.)

(Extract.)

Athens, May 2, 1861.

I HAVE the honour to acquaint your Lordship that in pursuance to your Lordship's despatch of the 11th ultimo I have informed M. Condouriotis by note (copy of which I have the honour to inclose herewith) that Her Majesty's Government agree on their part to accept the sum of 900,000 francs, as a payment to the three Powers from the Greek Government on account of the interest due on the guaranteed loan.

Inclosure in No. 6.

*Sir T. Wyse to M. Condouriotis.**Athens, May 2, 1861.*

(Extract.)

I HAVE the honour to inform you that Her Majesty's Government, in reply to my despatch of the 21st February last, agree to accept the sum of 900,000 francs as a payment to the three Powers from the Greek Government on account of the interest due on the guaranteed loan.

No. 7.

Sir T. Wyse to Lord J. Russell.—(Received June 21.)

(Extract.)

Athens, June 13, 1861.

M. CONDOURIOTIS, in answer to my communication of your Lordship's despatch respecting the payment of the quota falling to England of the sum agreed (900,000 francs, or 1,000,000 drachmas) to be taken by the three Powers on account (at present) of the interest due on their guaranteed loan, has verbally stated anew to me that such sum was at our disposal at the National Bank here.

GREECE. No. 2. (1864.)

Papers relating to the Arrangement concluded at
Athens in June 1860 respecting the Greek Loan.

*Presented to the House of Commons by Command
of Her Majesty, in pursuance of their Address
dated April 29, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

GREECE. No. 3. (1864.)

CORRESPONDENCE

RESPECTING THE

ANNEXATION OF THE IONIAN ISLANDS

TO THE

KINGDOM OF GREECE.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.								Page
1.	Earl Russell to Lord A. Loftus	..	..	..	..	May	16, 1863	1
2.	Sir A. Paget to Earl Russell	..	..	..	..	June	6, —	1
	Four Inclosures.							
3.	Earl Russell to Sir A. Paget	..	..	..	..	June	17, —	4
4.	Earl Russell to Mr. Scarlett	..	..	..	..	June	25, —	5
5.	Lord Bloomfield to Earl Russell	..	..	..	..	July	2, —	5
6.	Earl Russell to Mr. Scarlett	..	..	..	..	August	6, —	6
7.	Sir A. Paget to Earl Russell	..	..	..	..	August	10, —	6
8.	Earl Russell to Mr. Scarlett	..	..	..	..	August	27, —	6
9.	Earl Russell to Lord Napier	..	..	..	..	August	31, —	7
10.	Earl Cowley to Earl Russell	..	..	..	..	September	6, —	7
11.	Earl Russell to Mr. Grey	..	..	..	..	September	16, —	7
	One Inclosure.							
12.	Earl Russell to Lord Napier	..	..	..	..	September	16, —	8
	One Inclosure.							
13.	Mr. Scarlett to Earl Russell	..	..	..	..	September	10, —	9
	Two Inclosures.							
14.	Mr. Scarlett to Earl Russell	..	..	..	..	September	26, —	10
15.	Mr. Scarlett to Earl Russell	..	..	..	..	October	30, —	10
	One Inclosure.							
16.	Mr. Scarlett to Earl Russell	..	..	..	..	October	31, —	11
	One Inclosure.							
17.	Earl Russell to Lord Napier	..	..	..	..	November	11, —	12
18.	Earl Russell to Count Wimpffen	..	..	..	..	November	11, —	13
	Three Inclosures.							
19.	Mr. Scarlett to Earl Russell	..	..	..	..	November	7, —	16
	Two Inclosures.							
20.	Earl Russell to Earl Cowley	..	..	..	..	November	18, —	18
	One Inclosure.							
21.	Mr. Scarlett to Earl Russell	..	..	..	..	November	13, —	18
	Five Inclosures.							
22.	Mr. Hammond to Sir E. Lugard	..	..	..	..	January	6, 1864	20
23.	Earl Russell to Mr. Scarlett	..	..	..	..	January	28, —	21
	Three Inclosures.							
24.	Earl Russell to Mr. Scarlett	..	..	..	..	January	28, —	30
25.	Earl Russell to Mr. Scarlett	..	..	..	..	March	8, —	32
26.	Mr. Scarlett to Earl Russell	..	..	..	..	March	18, —	33
27.	Earl Russell to M. Tricoupi	..	..	..	..	April	9, —	33
28.	Mr. Scarlett to Earl Russell	..	..	..	..	April	8, —	33
29.	Earl Russell to Lord Napier	..	..	..	..	April	25, —	33
30.	Mr. Scarlett to Earl Russell	..	..	..	..	April	15, —	34
	One Inclosure.							
31.	Earl Russell to Sir A. Buchanan	..	..	..	..	April	26, —	34
32.	Earl Russell to Count Apponyi	..	..	..	..	April	26, —	35
33.	Earl Russell to Mr. Scarlett	..	..	..	..	April	28, —	35
34.	Mr. Murray to Mr. Elliot	..	..	..	..	April	28, —	35
35.	Mr. Murray to the Secretary to the Admiralty	..	..	..	..	April	28, —	36

Correspondence respecting the Annexation of the Ionian Islands to the Kingdom of Greece.

No. 1.

Earl Russell to Lord A. Loftus.

My Lord, *Foreign Office, May 16, 1863.*

HER Majesty's Government find themselves compelled, as well as the Government of the Emperor of the French and the Government of the Emperor of Russia, to consider seriously the state of Greece.

Her Majesty's Government wish to show every mark of respect and regard to the Royal House of Bavaria. But, Great Britain being one of the Protecting Powers, they are bound to take into their immediate consideration the tranquillity and happiness of Greece.

King Otho having withdrawn from the Greek territory in the month of October last, no effort has since been made by the Greek nation to replace him on the Throne; nor has an intention been manifested in any quarter to attempt the restoration of His Majesty by a foreign force.

In these circumstances Her Majesty's Government think it incumbent upon them to state without reserve to the Court of Bavaria that they consider it an urgent and imperative duty on their part to endeavour to replace Greece under a Government conformable to the Monarchical principle, which they have an interest to maintain in a State to the foundation of which Great Britain has, in concert with other Powers, so greatly contributed.

With this view I have inquired of the Minister of Bavaria accredited to Her Majesty's Court whether he is authorized to attend a Conference of the three Powers at the Foreign Office on the affairs of Greece. But, as it does not appear that the Minister of Bavaria has received any authority for that purpose, a due regard to the pressing interests of Greece will require some further steps to be taken by Great Britain and the two other Protecting Powers for the maintenance of a regular form of government in that kingdom.

I am, &c.
(Signed) **RUSSELL.**

No. 2.

Sir A. Paget to Earl Russell.—(Received June 9.)

My Lord, *Copenhagen, June 6, 1863.*

IN compliance with an invitation which I, in common with my French and Russian colleagues, received from the Marshal of the Palace, I proceeded to the Palace of Christiansborg this day at a quarter past 11 o'clock, to be present at the ceremony of the acceptance of the Crown of Greece by His Majesty the King of Denmark, on behalf of His Royal Highness the Prince William.

Shortly before 12 o'clock the King, preceded by the great officers of State, and followed by their Royal Highnesses the Hereditary Prince of Denmark, Prince Christian, Prince Frederick, and Prince William, entered the Throne Room and took his seat upon the Throne. The Hereditary Prince and Prince Frederick were upon His Majesty's right hand on the steps of the Throne, and Prince Christian and Prince William upon his left. Below the steps of the Throne, on the right hand, were placed the members of the

Danish Ministry, on the left the officers of State, and in front of His Majesty, a little to the right, the Representatives of England, France, and Russia.

A few minutes after His Majesty was seated the Marshal of the Palace announced the arrival of the Deputation from the National Assembly of Greece, and being by His Majesty's orders invited to enter the Throne Room, they approached to within a short distance of the King, and Admiral Canaris, the President of the Deputation, made an address to His Majesty in Greek, of which I have the honour to inclose a translation. He then read the Decree of the National Assembly of Greece, recording the election of His Royal Highness the Prince William of Denmark as Constitutional King of the Greeks, under the title of George I.

The translation of His Majesty's reply, which was in Danish, is herewith inclosed.

The King then turned to King George, and requested His Majesty to approach. His Majesty made him a short and affectionate address, in which he congratulated him on his accession to sovereignty, and welcomed him as a brother. His Majesty said that he trusted that he would make the Greek nation as happy and as prosperous as he was fortunately able to think Denmark now was, and that he would find no surer way of doing this than by following the course which he (the King of Denmark) had adopted, namely, that of maintaining the Constitution and causing others to respect it. His Danish Majesty then took the Order of the Elephant, and placing the blue ribbon over King George's shoulder, desired him, in a voice deep with emotion, to keep it as a remembrance of his native land, and then embraced His Majesty on both cheeks.

The Greek Deputation withdrew, and the King shortly after left the Throne Room, leading King George by the hand, the procession following in the same order as it entered.

The ceremony, which combined the utmost solemnity with good taste and great feeling, was altogether a most imposing and touching one.

King George subsequently received the Greek Deputation at the Palace of Prince Christian, and Admiral Canaris delivered a short address in the terms of which I transmit a translation herewith, together with a translation of His Majesty's reply.

At 2 o'clock, M. Dotézac, Baron Nicolay, and myself were admitted to the honour of an audience of His Majesty, for the purpose of offering the expression of our felicitations.

There is a State dinner at the Palace of Christiansborg this evening, to which we are invited.

I have, &c
(Signed) A. PAGET.

Inclosure 1 in No. 2.

Address of the Greek Deputation to the King of Denmark.

Sire,

L'ASSEMBLEE Nationale de Grèce, dans sa séance du 18 Mars, a élu et proclamé Roi des Hellènes, sous le nom de Georges I, Son Altesse Royale le Prince Guillaume Georges de Danemark, et nous a honorés de la mission d'offrir la Couronne à Son Altesse Royale au nom du peuple Hellénique.

En remettant, Sire, entre les mains de votre Majesté le Décret de l'élection de Son Altesse Royale, nous espérons que la réponse de votre Majesté comblera les vœux et l'attente du peuple Hellénique.

Cette élection, Sire, est un hommage rendu à la personne de l'illustre Souverain à qui la Divine Providence a confié les destinées du Danemark, autant qu'une preuve de confiance dans les talents du jeune Prince. Elle servira, Sire, comme un lien entre deux nations qui se sont de tout temps distinguées par leurs vertus et leur patriotisme.

La Grèce, Sire, fondant toutes ses espérances sur son jeune Souverain, et confiante dans l'appui des trois Grandes Puissances bienfaitrices, a la ferme conviction qu'elle atteindra un jour l'accomplissement de ses vœux nationaux.

(Translation.)

Sire,

THE National Assembly of Greece, in its sitting of the 18th of March, elected and proclaimed as King of the Hellenes, under the name of George I, His Royal Highness Prince William George of Denmark, and has honoured us with the mission of offering the Crown to His Royal Highness in the name of the Hellenic nation.

In placing in your Majesty's hands, Sire, the decree of the election of His Royal

Highness, we hope that your Majesty's reply will fulfil the wishes and expectations of the Hellenic people.

This election, Sire, is as much an act of homage rendered to the person of the illustrious Sovereign to whom Divine Providence has confided the destinies of Denmark as a proof of confidence in the talents in the young Prince. It will serve, Sire, as a bond between two nations which have at all times distinguished themselves by their virtues and their patriotism.

Greece, Sire, founding all her hopes on her young Sovereign, and confiding in the support of the three Great Powers, is firmly convinced that she will one day attain the accomplishment of her national aspirations.

Inclosure 2 in No. 2.

Reply of the King of Denmark.

NOUS acceptons pour notre jeune parent le Prince Guillaume Georges la Couronne que le peuple Grec l'a appelé à porter.

Dans les négociations poursuivies à Londres avec les trois Grandes Puissances qui ont si énergiquement contribué à la création du Royaume Grec et qui ont conservé tout leur intérêt pour sa prospérité, nous avons subordonné l'acceptation de la couronne à l'accomplissement de l'annexion des Iles Ioniennes au Royaume Hellénique. C'est avec une vive satisfaction que nous pouvons exprimer la confiance que cette annexion s'effectuera dans un terme rapproché. Nous avons désiré en effet que le jeune Roi lorsqu'il s'offrira la première fois à la vue de son peuple, puisse être salué comme apportant la réalisation de ce vœu si légitime et nourri depuis si longtemps.

Nous avons l'espoir qu'avec l'aide dévouée du peuple Hellénique il lui sera donné de développer les riches ressources du pays et de le conduire vers un bel et heureux avenir.

Ce vœu est partagé par tous ceux qui conservent le souvenir ineffaçable du grand passé de la Grèce et des luttes héroïques qu'elle a soutenues pour son indépendance. Et quand le jeune Roi quittera son pays natal, ce même vœu, sorti du cœur du Roi et du peuple de Danemark, l'accompagnera dans sa nouvelle patrie.

(Translation.)

WE accept for our young relative, Prince William George, the Crown which the Greek people has invited him to wear.

In the negotiations which have taken place in London with the three Great Powers who have so energetically contributed towards the creation of the Greek Kingdom, and who have retained all their interest in its prosperity, we have made the acceptance of the Crown dependent upon the accomplishment of the annexation of the Ionian Islands to the Hellenic Kingdom. It is with deep satisfaction that we are able to express our confidence that this annexation will be effected at no distant period. We were desirous, in fact, that the young King, when for the first time he shall present himself to the view of his people, might be saluted as bringing the realization of this wish so legitimate and for so long a time cherished.

We are in hopes that, with the devoted assistance of the Hellenic people, it will be granted to him to develop the rich resources of the country, and to lead it on to a fair and happy future.

This wish is shared by all those who preserve the indelible remembrance of the past greatness of Greece, and of the heroic struggles she has sustained for her independence. And when the young King shall quit his native country this same wish, sprung from the heart of the King and the people of Denmark, will accompany him in his new country.

Inclosure 3 in No. 2.

Address of the Greek Deputation to the King of the Hellenes.

DIEU soit béni, parcequ'il lui a plu de m'accorder à cet âge avancé la faveur de saluer votre Majesté comme Roi, et de présenter avec mes honorables collègues les félicitations de la Grèce.

Représentants de toute la race Hellénique, nous considérons ce jour comme le plus beau de notre vie, parceque nous venons déposer la foi et l'affection d'un peuple dont l'histoire et les souffrances le rendent digne de la sympathie de votre Majesté.

Par le décret de l'élection de votre Majesté la Grèce a remis entre les mains de son Souverain tout son avenir et toutes ses espérances, convaincue que, pénétré des grands devoirs qu'il aura à remplir, il se dévouera à la prospérité du pays et au développement des institutions libres de la nation.

Quant à moi, Sire, j'ai assez reçu pour pouvoir dire, après avoir vu ce jour, les paroles de Siméon, "Nunc, Domine, dimittas servum tuum."

(Translation.)

GOD be thanked that it has pleased Him to grant me, at this advanced age, the favour of saluting your Majesty as King, and to offer, with my honourable colleagues, the congratulations of Greece.

Representatives of the whole Hellenic race, we consider this day the fairest of our life, because we now give in trust the faith and affection of a people whose history and sufferings render it worthy of the sympathy of your Majesty.

By the Decree of the election of your Majesty Greece has placed in the hands of her Sovereign her whole future and all her hopes, convinced that, impressed with the great duties you will have to fulfil, you will devote yourself to the prosperity of the country and to the development of the free institutions of the nation.

As for me, Sire, I have received enough to enable me, after having seen this day, to say the words of Simeon, "Nunc, Domine, dimittas servum tuum."

Inclosure 4 in No. 2.

Reply of the King of the Hellenes.

MON âme est pénétrée de joie en recevant aujourd'hui les premiers saluts des Représentants du peuple Grec, et j'éprouve une profonde émotion à les entendre de la bouche d'un homme dont le nom glorieux reste d'une manière impérissable lié à la renaissance de la Grèce. Je comprends dès à présent toute la responsabilité de la tâche qui m'est confiée, je promets d'y consacrer les meilleures forces de ma vie, et je compte sur le concours loyal et constant du peuple Grec pour atteindre notre but commun—le bonheur de la Grèce. Né et élevé dans un pays où l'ordre légal marche de front avec la véritable liberté constitutionnelle, et qui est ainsi parvenu à un développement fécond et bienfaisant, j'emporterai dans ma nouvelle patrie un enseignement qui ne sortira jamais de ma mémoire, et qui gravera dans mon cœur en traits ineffaçables la devise du Roi de Danemark, "L'amour du peuple est ma force."

(Translation.)

MY soul is filled with joy at receiving to-day the first salutations of the Representatives of the Greek nation, and I experience a deep emotion at hearing them from the mouth of a man whose glorious name remains imperishably attached to the regeneration of Greece.

I comprehend from this moment all the responsibility of the task which is confided to me, I promise to devote to it the best energies of my life, and I reckon on the loyal and constant support of the Greek people to attain our common object—the welfare of Greece. Born and brought up in a country where legal order keeps pace with true constitutional liberty, and which has thus attained a fruitful and beneficent development, I shall carry into my new country a teaching which will never escape my memory, and which will engrave on my heart in indelible characters the motto of the King of Denmark, "The love of the people is my strength."

No. 3.

Earl Russell to Sir A. Paget.

Sir,

Foreign Office, June 17, 1863.

I HAVE received and laid before the Queen your despatch of the 6th June, containing a report of the formal acceptance by Prince William of Denmark of the Crown of Greece, with the title of George I.

Her Majesty's Government have learned with great satisfaction the happy termination of the mission of the Greek Deputation, and they earnestly hope that the reign of his Hellenic Majesty may be long and prosperous, and that the King of Denmark and Prince Christian will ever have cause to be content with his future career.

I have much pleasure in conveying to you on this occasion Her Majesty's entire approval of the manner in which you carried on the discussions with the Danish Government and with Prince Christian, which have now been brought to so prosperous an issue. Under circumstances of no small difficulty, and at times of much perplexity, you have steadily kept in view the instructions which I have given to you, and by your conciliatory and judicious conduct you have smoothed away many embarrassing questions which arose in the course of the negotiations.

Her Majesty's Government are rejoiced to hear that Count Sponneck will accompany the young King to Athens. His high reputation for ability and moderation justifies the most favourable anticipations of success in the promotion of free institutions and the maintenance of order.

I am, &c.
(Signed) RUSSELL.

No. 4.

Earl Russell to Mr. Scarlett.

Sir, *Foreign Office, June 25, 1863.*

I HAVE received your telegram of the 22nd instant, in which you inform me that you have been asked by the Greek Minister whether you propose to communicate to him the Protocols relative to the affairs of Greece which have been signed in London; and I stated in my telegram of the 24th instant that those documents should be forwarded to you to-day.

I now inclose the Protocols of three Conferences* which have been held at this office; by the first and second, of which you will see that the first step taken by the three Powers was to communicate with the Court of Bavaria; and by the third Protocol you will observe that the Crown of Greece has been duly accepted by the King of Denmark on behalf of his relative, Prince William of Denmark, who by Decree of the National Greek Assembly was elected King under the name of George I.

You will communicate those Protocols to the Greek Government, and you will express the hope of Her Majesty's Government that the events specially recorded in the third Protocol, and particularly the proposed union of the Ionian Islands with Greece, will contribute to the happiness and prosperity of the Greek nation.

Before making this communication, however, you will ask your French and Russian colleagues whether they will join you in making a similar communication, in which case it may be made simultaneously. If not you will make it alone.

I am, &c.
(Signed) RUSSELL.

No. 5.

Lord Bloomfield to Earl Russell.—(Received July 6.)

My Lord, *Vienna, July 2, 1863.*

COUNT RECHBERG has alluded, in the course of a conversation with me, to his last despatch to Count Apponyi on the proposed cession of the Ionian Islands to Greece, and he made some observations as to arrangements existing between Austria and the Ionian Government, which he presumed would not be interfered with in the event of the islands belonging to Greece. I replied that I presumed these arrangements would become matter of negotiation during the Conferences which would be held to consider the whole question.

His Excellency added that the affair to which he specially alluded was one of great commercial importance to Austria,—the privileges enjoyed by the Austrian Lloyd's Company in the Ionian Islands. He understood that the question had already been mooted by interested parties whether the present arrangement was to continue. His impression was that it ought not to be interfered with, because he could not admit that an

* See "Papers relating to Greece (No. 2)," presented to Parliament 1863.

obligation contracted by either side should cease because the territory passed into other hands, and he considered the stipulations equally binding on the Government of the the Ionian Islands, whether their administration was carried on under the Protectorate of Great Britain or under the Government of the Kingdom of Greece.

I have, &c.

(Signed) BLOOMFIELD.

No. 6.

Earl Russell to Mr. Scarlett.

Sir,

Foreign Office, August 6, 1863.

I INCLOSE, for communication to the Greek Assembly, copy of a Treaty relative to the accession of Prince William of Denmark to the Throne of Greece,* which was signed at London on the 13th July by the Plenipotentiaries of Great Britain, France, Russia, and Denmark, and was ratified on the 3rd instant.

I also inclose copy of a Protocol signed on the 3rd instant respecting the future title of the King. You will observe that the title "Roi des Hellènes" is the same with that given by M. Mavrocordato in his letter of the 31st March last to Mr. Elliot.

I am, &c.

(Signed) RUSSELL.

No. 7.

Sir A. Paget to Earl Russell.—(Received August 13.)

(Extract.)

Copenhagen, August 10, 1863.

COUNT SPONNECK has learnt that there was a project of Treaty communicated by your Lordship to the Representatives of the five Powers assembled in Conference for the affairs of Greece, which embodied two conditions relative to the annexation of the Ionian Islands, which he understood to be the upshot of communications which had taken place between Her Majesty's Government and the Cabinet of Vienna.

The first condition was the neutrality of the Ionian Islands; the second, that the fortifications of Corfu should be razed.

After speaking of the possible effect which the knowledge of these conditions might have in indisposing the Ionian Parliament to vote the annexation, for which reason it became of still greater importance to King George to have the vote before setting out for Greece, Count Sponneck said that if the union between the islands and the Kingdom was to be a real one (an incorporation, in short), as was apparently intended, he did not understand how the Islands could be neutralized without extending the neutrality to the rest of Greece.

Count Sponneck appears to have no objection to the razing of the fortifications.

No. 8.

Earl Russell to Mr. Scarlett.

Sir,

Foreign Office, August 27, 1863.

THERE are two corrections to be made in respect to the Treaty relating to the accession of Prince William of Denmark to the Throne of Greece.

In the First Article the hereditary Sovereignty of Greece is said to have been offered by the Senate and by the National Assembly of Greece.

This recital was taken from an incorrect document.

In point of fact, the National Assembly alone offered to Prince William the hereditary Sovereignty of Greece.

The second correction to be made is where King George is called "Roi des Grecs."

By a Protocol signed on the 3rd of August, 1863, the title of the Prince is to be "Roi des Hellènes."

But as the ratifications had been already sent off from Paris, Petersburg, and Copenhagen, when the Plenipotentiaries discovered that the insertion of the name of the

* Presented to Parliament, February 4, 1864.

Senate was a mistake, and when they agreed to alter the title of the King from "Roi des Grecs" to "Roi des Hellènes," it was thought better to exchange the ratifications of the Treaty with these imperfections than either to attempt an informal and irregular correction of them, or to frame a fresh Treaty free from these imperfections.

The Governments of France and Russia will be invited to direct their Ministers in Greece to sign with you a declaration explaining these circumstances to the Government of His Hellenic Majesty.

I am, &c.
(Signed) RUSSELL.

No. 9.

*Earl Russell to Lord Napier.**

My Lord,

Foreign Office, August 31, 1863.

I TRANSMIT to your Excellency, for your information, a copy of a despatch I have addressed to Her Majesty's Minister at Athens,† on the subject of certain corrections to be made with respect to the Treaty of the 13th of July last between Great Britain, France, and Russia on the one part, and Denmark on the other part, relative to the accession of Prince William of Denmark to the Throne of Greece.

I have to instruct your Excellency to call the attention of the Russian Minister for Foreign Affairs to the imperfections in the Treaty, as shown in the despatch to Mr. Scarlett, and to state to his Excellency that Her Majesty's Government are of opinion that the regular way of correcting them would be, that Great Britain, France, and Russia, the Powers which in virtue of Article XIV of the Treaty are to communicate it to the Government of Greece, should, through their Ministers at Athens, present a joint declaration to that Government, explaining the causes of the defects; and you will accordingly propose this course to his Excellency, and invite him to send corresponding instructions to the Russian Minister in that city.

Her Majesty's Ambassador at Paris has been directed to make a similar proposal to the French Government.

I am, &c.
(Signed) RUSSELL.

No. 10.

Earl Cowley to Earl Russell.—(Received September 7.)

My Lord,

Paris, September 6, 1863.

I HAVE communicated to M. Drouyn de Lhuys, as instructed by your Lordship's despatch of the 31st ultimo, your despatch of the 27th ultimo to Her Majesty's Minister at Athens, on the subject of certain corrections to be made with respect to the Treaty of the 13th July last between Great Britain, France, and Russia, on the one part, and Denmark, on the other part, relative to the accession of Prince William of Denmark to the Throne of Greece.

M. Drouyn de Lhuys expressed himself willing to make these corrections by means of a joint declaration to the Greek Government in the manner suggested by your Lordship; and he requests that you will be good enough to transmit, for his information, the draft of the Declaration which you propose should be addressed to the Hellenic Government.

I have, &c.
(Signed) COWLEY.

No. 11.

Earl Russell to Mr. Grey.

Sir,

Foreign Office, September 16, 1863.

I TRANSMIT to you a draft of the declaration relative to the inaccuracies in the Treaty respecting the accession of Prince William of Denmark to the Throne of Greece, which you will communicate to M. Drouyn de Lhuys in compliance with his request

* A similar despatch was addressed to Earl Cowley.

† No. 8.

conveyed in Earl Cowley's despatch of the 6th instant, and you will request His Excellency, if he approves the draft, to direct the French Minister at Athens to unite with his British and Russian colleagues in signing and presenting the declaration to the Hellenic Government.

So soon as Her Majesty's Government shall have learnt that this step has been taken by the French Government, and as soon as the draft of the declaration has been submitted to the Russian Government, they will send corresponding instructions to Mr. Scarlett.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 11.

Draft of Declaration.

THE Undersigned, &c., having received the commands of their respective Sovereigns that, in communicating to the Hellenic Government the annexed copy of the Treaty signed at London on the 13th of July last between France, Great Britain, and Russia, on the one part, and Denmark on the other part, relative to the accession of Prince William of Denmark to the Throne of Greece, as provided in Article XIV thereof, they should explain to that Government certain inaccuracies in the Treaty, proceed to do so in the following declaration:—

In Article I of the Treaty, the hereditary Sovereignty of Greece is said to have been offered to Prince William by the Senate and by the National Assembly of Greece.

This recital was taken from an incorrect document.

In point of fact the National Assembly alone offered to Prince William the hereditary Sovereignty of Greece.

The second instance in which the Treaty is incorrect, is where in Articles II, IX, and XII, King George is called "Roi des Grecs."

By a Protocol signed on the 3rd of August, 1863, by the Plenipotentiaries who concluded the Treaty, the Minister of Denmark declared, on the part of King George, His Majesty's desire to take thenceforward the title of "Roi des Hellènes." The Plenipotentiaries of France and Great Britain agreed on the part of their respective Courts to recognize the new title. The Plenipotentiary of Russia reserved to himself the right to communicate to his Court the declaration of the Plenipotentiary of Denmark.

But as the ratifications of the Treaty had been already sent off from Paris, St. Petersburg, and Copenhagen, when the Plenipotentiaries discovered that the insertion of the name of the Senate was a mistake, and when the Plenipotentiaries of France and Great Britain agreed to the alteration of the title of King George from "Roi des Grecs" to "Roi des Hellènes," it was thought better to exchange the ratifications of the Treaty with these imperfections, than either to attempt an informal and irregular correction thereof, or to frame a fresh Treaty free from them.

In witness whereof the Undersigned, being duly authorized by their respective Governments, have signed the present declaration, and have affixed thereto the seal of their arms.

Done at Athens, the day of , 1863.

No. 12.

Earl Russell to Lord Napier.

My Lord, Foreign Office, September 16, 1863.

IN my despatch of the 31st ultimo, I instructed your Excellency to propose to the Russian Government that their Minister at Athens should be instructed to present to the Hellenic Government, conjointly with his British and French colleagues, a declaration explaining certain inaccuracies in the Treaty relative to the accession of Prince William of Denmark to the throne of Greece. I now transmit to your Excellency a draft of such declaration for submission to the Russian Minister for Foreign Affairs, and you will request his Excellency, if he approves the draft, to give the requisite instructions to the Russian Minister at Athens.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 12.
Draft of Declaration.
 [See Inclosure in No. 11.]

No. 13.

Mr. Scarlett to Earl Russell.—(Received September 19.)

My Lord,

Athens, September 10, 1863.

I HAVE the honour to inclose, for your Lordship's information, copy of a note which I addressed on the 3rd instant to M. Calligas, Minister for Foreign Affairs, in accordance with the instructions contained in your Lordship's despatch of the 6th ultimo, desiring me to communicate to the Greek Assembly copy of a Treaty relative to the accession of Prince William of Denmark to the Throne of Greece, which was signed at London on the 13th of July, by the Plenipotentiaries of Great Britain, France, Russia, and Denmark; also copy of a Protocol, signed on the 3rd August, respecting the future title of the King.

I have further the honour to inclose copy of M. Calligas' answer to my note.

I have, &c.

(Signed) P. CAMPBELL SCARLETT.

Inclosure 1 in No. 13.

Mr. Scarlett to M. Calligas.

Sir,

Athens, September 3, 1863.

WITH reference to my note to you dated July 25th, in which I transmitted the Protocols signed in London on the affairs of Greece by the Representatives of the Protecting Powers, and in which I stated that I should subsequently have the pleasure of transmitting to the Greek Government for communication to the Assembly a Treaty embodying the result of the Conferences held in London, which was then in the course of execution, I have since the date of my note above-mentioned received from Earl Russell a printed copy of the Treaty to which I then alluded, signed in London on the 13th July, by the Representatives of England, France, Russia, and Denmark, and I now have the honour to forward it for your information, and for communication to the National Assembly.

I at the same time take the opportunity of forwarding for the information of the Greek Government and Assembly, a copy of a Protocol, signed likewise in London, on the 3rd August, by the Representatives of the same High Contracting Parties with reference to the title of King of the Hellenes, to be assumed in future by His Majesty King George, in substitution of that of King of Greece.

I have, &c.

(Signed) P. CAMPBELL SCARLETT.

Inclosure 2 in No. 13.

M. Calligas to Mr. Scarlett.

M. le Ministre,

Athènes, le ^{28 Aout}_{9 Septembre} 1863.

J'AI reçu les copies que vous m'avez fait l'honneur de me transmettre par votre office du 3 Septembre du Traité signé à Londres, le 13 Juillet, par les Plénipotentiaires de la Grande Bretagne, de France, de Russie, et Danemark, concernant l'institution de la nouvelle Royauté en Grèce, et du Protocole du 3 Août, 1863, relatif au titre de "Roi de Hellènes" que prendra Sa Majesté le Roi George I, et je ne manquerais pas de communiquer ces deux pièces à l'Assemblée Nationale, dès qu'elle sera réunie en séance, conformément au désir que vous m'avez exprimé.

En attendant, je vous prie, M. le Ministre, d'agréer les remerciements du Gouvernement provisoire pour cette communication, et saisis, &c.

(Signed) P. CALLIGAS.

(Translation.)

M. le Ministre,

Athens, August ²⁸_{9 September} 1863.

I HAVE received the copies which you have done me the honour to transmit to me in your note of the 3rd of September, of the Treaty signed at London on the 13th of

July by the Plenipotentiaries of Great Britain, France, Russia, and Denmark, respecting the establishment of the new Monarchy in Greece, and of the Protocol of the 3rd of August, 1863, relative to the title of "King of the Hellenes," which will be assumed by His Majesty King George I, and I shall not fail to communicate these two documents to the National Assembly as soon as it shall have reassembled, according to the desire which you have expressed to me.

In the meantime I have to request you, M. le Ministre, to accept the thanks of the Provisional Government for this communication, and remain, &c.

(Signed) P. CALLIGAS.

No. 14.

Mr. Scarlett to Earl Russell.—(Received October 10.)

My Lord,

Athens, September 26, 1863.

I HAVE the honour to inform your Lordship that the Assembly, in its sitting of yesterday, on the motion of M. Calligas, Minister for Foreign Affairs, voted unanimously the sum of 840,000 drachmas (30,000*l.*) for the King's Civil List, exclusive and independent of the sum renounced in favour of the King by the three Protecting Powers, and of that to be voted by the Ionian Islands.

I have, &c.

(Signed) P. CAMPBELL SCARLETT.

No. 15.

Mr. Scarlett to Earl Russell.—(Received November 11.)

My Lord,

Athens, October 30, 1863.

I HAVE great pleasure in informing your Lordship of the safe arrival at Athens to-day of His Majesty King George I.

The "Hellas" frigate and her escorts, the "Revenge" and "Algesiras," arrived off the Piræus before 9 A.M., and before coming to anchor within the harbour all the ships of war in the Piræus manned yards and saluted.

The King landed soon after this and was most enthusiastically received on shore by the authorities, the National Guard, and people generally, both at the Piræus and at Athens.

After attending a *Te Deum* at the Cathedral, at which the whole Diplomatic Body were present, except Baron de Testa, the Austrian Minister, His Majesty was conducted amidst great applause to the Royal Palace.

Count Sponeck called upon me in the afternoon, with M. Calligas, the Minister for Foreign Affairs, and I am to have an audience of the King to-morrow to present my credentials.

I take this opportunity of inclosing a copy of a Proclamation issued by the King, and distributed soon after His Majesty landed from the "Hellas."

To-night the whole town is illuminated and the King has been driving about in a carriage accompanied by a large crowd of people rejoicing. The greatest order prevails throughout Athens.

I have, &c.

(Signed) P. CAMPBELL SCARLETT.

Inclosure in No. 15.

Proclamation.

(Traduction.)

Hellènes,

EN montant sur le Trône auquel vos suffrages m'ont appelé, je sens le besoin de vous adresser quelques paroles.

Je ne vous apporte pas une habileté et une intelligence éprouvées, qualités que vous ne sauriez guère attendre de mon âge; mais je vous apporte une confiance et un dévouement sincères, unis à une croyance profonde dans l'identité future de vos destinées et des miennes. Je vous promets de consacrer ma vie entière à votre bonheur.

Non seulement je respecterai et j'observerai scrupuleusement vos lois, et avant tout la Constitution, pierre fondamentale du nouveau régime Hellénique, mais je révérai et j'apprendrai à aimer vos institutions, vos mœurs, votre langue, tout ce que vous vénerez, comme déjà je vous aime vous-mêmes. Je prierai les meilleurs et les plus habiles hommes de votre milieu de se grouper autour de moi, sans regarder des divergences politiques antérieurs, et je tâcherai, par leur assistance intelligente et éclairée, de développer les bons germes en tout sens et les ressources matérielles que possède votre belle patrie, qui désormais est aussi la mienne. D'en faire, autant que cela tient à moi, un royaume modèle dans l'Orient, sera le but de mon ambition.

Le Tout-Puissant, qui est fort dans les faibles, m'aidera dans mes efforts et ne me permettra jamais d'oublier les promesses solennelles que je viens de vous faire.

Sur quoi je prie Dieu de vous prendre dans sa sainte et sauve garde!

Au mois d'Octobre, 1863.

(Signé)

GEORGIOS.

(Translation.)

Hellenes,

IN ascending the Throne to which your suffrages have summoned me, I feel the necessity of addressing some words to you.

I do not bring to you an experienced ability and intellect, qualities which you would hardly expect of one of my age, but I bring to you a sincere confidence and devotion, united to a profound belief in the future identity of your destinies and of mine. I promise to consecrate my whole life to your welfare.

Not only will I scrupulously respect and observe your laws, and above all the Constitution, the foundation stone of the new Hellenic régime, but I will reverence and learn to love your institutions, your customs, your language, all that you venerate, as I already love yourselves. I shall pray the best and ablest men amongst you to come round me, without regard to former political differences, and I shall endeavour, with their intelligent and enlightened assistance, to develop the excellent capabilities and material resources possessed by your beautiful country, which is henceforward my own. To make of it, as far as lies with me, a model kingdom in the East will be the object of my ambition.

The Almighty, who is the strength of the weak, will aid me in my efforts, and will never permit me to forget the solemn promises which I have just made you.

Whereupon I pray God to take you under his holy and safe protection.

(Signed)

GEORGIOS.

In the month of October 1863.

No. 16.

Mr. Scarlett to Earl Russell.—(Received November 11.)

My Lord,

Athens, October 31, 1863.

THE King appointed 3 o'clock to-day for my audience, when I presented to His Majesty the Queen's letter of credence.

I have the honour to inclose a copy of the words I addressed on the occasion to the King, to which His Majesty returned a suitable reply.

M. Brestrup also presented later his letter of credence. Several other Ministers not having received their credentials, have asked for private audiences from the King.

I have &c.

(Signed)

P. CAMPBELL SCARLETT.

Inclosure in No. 16.

Mr. Scarlett's Speech on presenting his Letter of Credence to King George I.

Sire,

I ASK permission to place in your Majesty's hands my letter of credence from the Queen my august Sovereign, by which I am named her Envoy Extraordinary and Minister Plenipotentiary at the Court of your Majesty.

I am charged by the Queen to express the deep interest she feels in everything concerning your Majesty's welfare and happiness, and in the prosperity of your kingdom.

By the general wish of the Hellenic people, and with the concurrence of the three Protecting Powers, your Majesty has been called to reign over a nation endowed with some of the qualities of their illustrious ancestors, whilst others still dormant await only the impulse of a Constitutional Monarch to arouse them again into action.

To direct the public mind of Greece into safe and legitimate channels, and to develop the resources of a country now extensive in proportion to its population, is a great and glorious task, and one worthy of your Majesty.

The Queen and Her Majesty's Government look forward with hope that all your Majesty's efforts in that direction may be crowned with success. For myself, Sire, I shall endeavour to execute the duties of the post I have the honour to occupy with zeal for the Queen's service, and it will, I am sure, contribute also to Her Majesty's satisfaction as it will to mine, if at the same time I have your Majesty's confidence and approbation.

No. 17.

*Earl Russell to Lord Napier.**

My Lord,

Foreign Office, November 11, 1863.

THE Assembly of the Ionian Islands at their recent meeting proposed to submit to the Protecting Sovereign a resolution on the subject of the fortifications of Corfu. But Her Majesty's Lord High Commissioner having refused to accept this resolution, as beyond the competence of the Assembly, the Assembly thereupon addressed to the Lord High Commissioner a representation, a copy of which I inclose.†

I have proposed, however, to the Ambassadors of Austria, France, Prussia, and Russia, who assembled in Conference at the Foreign Office on the 29th ultimo and on the 3rd of the present month, to consider the Articles of the Treaty for the union of the Ionian Islands to Greece without regard to this representation.

Her Majesty's Government, in fact, have certain obligations to the great Powers, which they are bound to fulfil.

The Treaty of November 1815 constituted the seven Ionian Islands a free and independent State, and placed them under the Protectorate of the Queen of Great Britain.

The fortresses were placed by Articles V and VI in the occupation of the Protecting Sovereign for the advantage of this State, and the exercise of the rights belonging to the Protectorate.

The object of the whole arrangement was to provide for the welfare of the Ionian Islands and the security of Europe.

The Sovereigns of Great Britain have anxiously sought to provide for these objects. With regard to the former, the Protectorate being about to cease, Her Majesty looks anxiously to the means of securing the future welfare of a State so long confided to her protection. Her Majesty has sought to provide for the prosperity and happiness of the Ionian people by promoting their union with a free State inhabited by a people of the same race, speaking the same language, and professing the same religion.

With regard to the second object various considerations occur. The Powers of Europe have been fully satisfied that under the Protectorate of Great Britain no European interest has been injured.

But the proposal of uniting the Ionian Islands with Greece has excited alarm in the neighbouring States of Austria and Turkey.

These States have expressed an apprehension that a revolutionary party, assisted by armed bands, may invade the provinces and raise troubles which the Greek Government, even with the best intentions, may not be able to prevent or to punish.

In this way the Island of Corfu especially might become a source of disorder, and armed volunteers defeated in Albania or Dalmatia might find a secure refuge within the walls of a strong fortress, from which they might again issue to disturb and ravage the neighbouring provinces of Austria and Turkey.

The tranquillity of the islands might thus be interrupted, and their prosperity destroyed, not only by revolutionary expeditions, but also by the measures necessary to combat and overthrow such wanton aggressions.

Impressed with these apprehensions the Government of the Emperor of Austria has proposed to Her Britannic Majesty two provisions of Treaty calculated to diminish, if not, to avert these dangers. The one, is the neutrality of the Ionian Islands; the other, the demolition of the fortifications of Corfu.

Her Majesty's Government bearing in mind the two objects, the welfare of the Ionian Islands and the security of Europe, are ready to accept these conditions. In their

* Similar despatches were addressed to Earl Cowley, Lord Bloomfield, and Sir A. Buchanan.

† Inclosure 3 in No. 18.

opinion the happiness of the Ionian Islands and of the Greek Kingdom will be best consulted by cultivating the arts of peace. A flourishing commerce, a prosperous agriculture, not taxed beyond the means of the country for the maintenance of large military forces, will be the best fruits of a free and independent Greece. An army disproportioned to the resources of Greece, a foreign policy of an aggressive and ambitious kind, are evils to be avoided by the statesmen of Greece.

Her Majesty is prepared, in conjunction with France and Russia, to guarantee the independence of the new kingdom when the Ionian Islands shall be united to it.

Her Majesty, therefore, looking as well to the internal welfare of Greece and of the Ionian Islands as to the external repose and security of her allies the Emperor of Austria and the Sultan of Turkey, is prepared to recommend to the Powers who signed the Treaty of November 1815 and the Treaty of 1832 for the protection and the guarantee of Greece, the adoption of a Treaty securing the neutrality of the Ionian Islands and the demolition of the fortifications of Corfu.

I am, &c.
(Signed) RUSSELL.

No. 18.

*Earl Russell to Count Wimpffen.**

M. le Comte,

Foreign Office, November 11, 1863.

I THINK it right to transmit to you a copy of the Resolution of the Ionian Assembly, as finally accepted by Her Majesty's Lord High Commissioner, and submitted to Her Majesty's pleasure as the Protecting Sovereign.

I also transmit a copy of a representation made by the Ionian Assembly on the subject of the fortifications of Corfu.

I likewise transmit a copy of a despatch addressed to Her Majesty's Ambassadors to the Courts of Austria, France, Prussia, and Russia.†

I am, &c.
(Signed) RUSSELL.

Inclosure 1 in No. 18.

Decision.

THE Assembly of the Ionian States—

Having taken into consideration the Message of his Excellency the Lord High Commissioner, dated the 6th of October, 1863, n.s., and with reference to its decision of the 23rd of September, 1863, respecting the union of the Seven Islands with the Kingdom of Greece—

Decides—

Article 1. As soon as the British Protectorate established in these States in virtue of the Treaty of Paris of the 5th of November, 1815, shall legally cease, and until the establishment of the new Constitution of Greece, with the intervention of Ionian Representatives, His Majesty the King of the Hellenes is authorized to exercise over the Ionian Islands and their dependencies all rights of sovereignty, and in such manner (ὅσα οἷα καὶ ὅς) as he shall exercise them in the rest of the Kingdom of Greece :

Consequently the exercise of the privileges and functions of the Protecting Sovereign, the Lord High Commissioner, his Residents, and the Most Illustrious the Senate, shall then cease.

All the other authorities of the State are maintained and shall act on the basis of existing Ionian laws, under the direction of the proper Ministers of the Kingdom of Greece.

Art. 2. On the legal cessation of the payment of the sum of 25,000*l.*, hitherto paid yearly to the military funds of the Sovereign Protectress, and the sum of 13,000*l.* placed at the disposal of the Lord High Commissioner for the salaries and contingencies of his establishment, the sum of 10,000*l.* yearly is fixed to be paid monthly in augmentation of the Royal Civil List of His Majesty the King of the Hellenes.

* Similar letters were addressed to Count Bernstorff, Baron Brunnow, and the Marquis de Cadore.

† No. 17.

This sum shall remain as the first charge on the Ionian revenue, unless due Constitutional provision shall be made for the payment of the said augmentation out of the revenue of the Kingdom of Greece.

Art. 3. All contracts and engagements entered into up to this time by or on the part of the Ionian Government, and which are contained in the list herewith inclosed, are recognized; and all equitable claims of private individuals and Municipal Governments on the same are guaranteed.

Art. 4. The right of property in the English cemeteries in the Ionian States is confirmed to the Government of Her Britannic Majesty, and the cemeteries are placed under the full protection of the laws of the State.

Art. 5. Her Britannic Majesty's Government having given a full quittance for the sum of 90,289*l.* 5*s.* 7*d.*, arrears of the military contribution, as well as for every other claim on its part of any nature, the Assembly proclaims Her Majesty's Government quit and free from any claim on the part of the Ionian States.

Art. 6. The present deliberation shall be submitted to the approval of Her Majesty the Sovereign Protectress, on receiving which it shall be carried into execution.

Corfu, October $\frac{7}{19}$, 1863.

(Signed)

STEFANO PADOVAN, *President.*

N. LUSI,

G. DUSMANI,

} *Secretaries.*

Inclosure 2 in No. 18.

RETURN showing the Debts of the Ionian Government on August 31, 1863, taken from the Public Accounts forwarded by the Treasurer-General to the Chamber, and by that Body accepted.

Detail.						Debt on the 31st August, 1863.		
						£	s.	d.
Civil Pension Fund	..	..	..	..	..	97	13	11·1
Constables Pension Fund	..	..	..	..	..	3,472	14	5·9
Mocenigo Legacy—								
Capital	..	..	..	..	..	41,475	3	8
Interest due	..	..	..	..	..	3,232	8	6
						44,707	12	2
Treasury Bonds	..	..	..	..	..	74,085	11	8
Treasury Obligations, held by New Pension Fund	..	..	..	..	..	13,433	0	0*
Treasury Obligations for injuries done to private property	..	..	..	..	..	2,693	18	7
Administration of Santa Maura Salines	..	..	..	..	..	642	10	3·7
Due to the Ionian Bank and others	..	..	..	..	..	70,300	0	0
Savings Banks—								
Corfu	..	..	..	..	..	10,366	4	2·2
Cephalonia	..	..	..	..	..	50	0	8
Zante	..	..	..	..	..	30	18	9·7
Santa Maura	..	..	..	..	..	9	7	10
Cerigo	..	..	..	..	..	6	8	8
Paxo	..	..	..	..	..	0	5	0
						10,463	5	1·9
Judiciary and other Deposits—								
General Treasury	..	..	..	..	..	2,214	4	9·3
Corfu	..	..	..	..	..	1,127	13	3·4
Cephalonia	..	..	..	..	..	1,651	16	6·4
Zante	..	..	..	..	..	1,233	9	7
Santa Maura	..	..	..	..	..	645	12	6·3
Ithaca	..	..	..	..	..	348	9	11·6
Cerigo	..	..	..	..	..	732	6	8·1
Paxo	..	..	..	..	..	387	1	4·9
						8,340	14	9
Convent of St. Gerasimo, Cephalonia	..	..	..	..	..	74	4	2·3
French claims	..	..	..	..	..	427	16	1·6
Indemnification Fund—								
Cephalonia	..	..	..	..	..	22	15	10·9
Zante	..	..	..	..	..	48	12	0·1
Ithaca	..	..	..	..	..	58	19	2·8
Paxo	..	..	..	..	..	8	2	4
						138	9	5·8

* This was the amount due on the 31st August, 1863; since then a further debt of 5,058*l.* sterling was contracted by the Treasury.

Detail.							Debt on the 31st August, 1863.		
							£	s.	d.
Agricultural Bank—									
Corfu	..	..	..	..	..	..	0	15	4.1
Cerigo	..	..	..	..	..	..	13	16	8.5
								14	12 0.6
Aqueduct of Corfu	..	..	..	..	..	..	1,863	3	11.7
Deposit on account Convent Revenue Santa Maura	..	..	..	..	..	..		0	7 2.3
Penitentiary of Corfu	..	..	..	..	..	..	100	8	2.2
Deposit for purchase of books for Lyceum	..	..	..	..	..	..	430	9	6.4
Total							231,306	11	9.5

(Signed) STEFANO PADOVAN, *President*,
N. LUSI,
G. DUSMANI, } *Secretaries*.

Inclosure 3 in No. 18.

To Her Majesty Queen Victoria I, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, and Protectress of the United States of the Ionian Islands.

Representation of the Ionian Assembly.

THE Ionian Assembly having decided in favour of the union of the Septinsular State with the Kingdom of Greece in one and indivisible State, and having taken into consideration the proposals of the Lord High Commissioner for the completion of such union, thought it right to propose that the question of the giving over of the forts and fortifications should be regulated by a Special Article, inasmuch as no mention was made of this in the proposals communicated to the Assembly.

His Excellency the Lord High Commissioner, by a Message of the 18th instant, announced to the Assembly that this question was beyond the limits of the competency of any Ionian authority.

Under the sorrowful impression produced by this communication, the Assembly thinks it an indispensable duty to represent respectfully the rights of the Ionian people on a question so strictly connected with their real national restoration, and the interests and rights of the new Greek Kingdom.

Not to call to recollection earlier political events, the Treaty of Paris, 5th November, 1815, though stipulated without the intervention of the Ionians, recognized the forts and fortifications as the property of the Ionian State, and by Articles V and VI their occupation was entrusted to the Protecting Power, for the sole object that it should keep a garrison in them for the defence of this State and the exercise of the rights of the Protectorate having relation thereto. A provision was made at the same time for the expense which the Ionian State should incur for the preservation of the existing forts and the payment of the British forces.

Besides the sums granted by the Ionian State for the payment of the army, and the preservation of the forts from the year 1818 to 1824, His Majesty the Protecting Sovereign called upon the Assembly to vote a certain sum for the repair and completion of the forts of Corfu, as well as of those of Vido, thus again recognizing the right of property in the Ionian State over its forts; and the Ionian Parliament, acceding to the Royal proposition, for the purpose of securing the forts from any sudden attack, passed an Act, dated the 19th March, 1825, granting the sum of 164,000*l.*, and subsequently, in consequence of a Message of his Excellency the Lord High Commissioner, dated 30th May, 1833, passed another Act, 1st June, 1833, granting another sum of 15,000*l.* for the same purpose.

Finally, by a Resolution of the 11th January, 1836, the expense for the preservation of these forts, jointly with the payment of the garrison, was fixed at 35,000*l.* yearly, and by another Resolution of the 18th December, 1849, at 25,000*l.*

Besides these sums, the Ionian State has granted indemnity, and continues to do so, for the property of Municipal Bodies and private individuals within and outside the forts, which have been either occupied or destroyed for the completion of the same.

From these facts it results indisputably, that not only the Ionian State has always retained the property in the forts and fortifications, but has readily paid every sum demanded for their preservation and completion.

There could, therefore, be no reason to deny the competence of the Ionian Assembly

on a subject relating to the property of the Ionian State, especially at a moment when, owing to the cessation of the Protectorate, the occupation also by the Protecting Power of the forts, which were entrusted to it for the exclusive purpose of the Protectorate, is about to cease.

The Union having once been decided on, as with any other part of the Greek Kingdom so also with the Septinsular State which has been fused with it, the sovereign rights of this Kingdom over its territory cannot undergo the least diminution.

The forts of the Septinsular State, in days of great dangers, were the bulwark of Christianity and civilization—with the blood of the children of the Ionian State they were so often watered; and without these forts there is no security from foreign attacks, which the Ionians had in view to prevent since the year 1833, although the Septinsular State was then under the powerful British protection.

The Assembly, relying upon the rights of the Septinsular people, trusts that these rights will not be in any way misunderstood or impaired.

Europe, which has shown so much interest for the establishment of the new Greek Kingdom, and has respected its sovereign rights in every other particular, will not allow its own creation to be destroyed by the adoption of measures for which no other justification would be given than the position of the weak in the presence of the strong.

The Assembly, however, trusts that your Majesty, who has afforded such generous assistance to the national restoration of the Ionian people, will kindly look into the justice of this representation, and will impress on the hearts of the Ionians more lively sentiments of eternal gratitude.

From the Parliament House, October $\frac{8}{20}$, 1863.

(Signed)

STEFANO PADOVAN, *President.*

N. LUSI,

G. DUSMANI,

} *Secretaries.*

No. 19.

Mr. Scarlett to Earl Russell.—(Received November 18.)

My Lord,

Athens, November 7, 1863.

I HAVE the honour to forward herewith to your Lordship copy of a note in which M. Calligas informs me officially that King George I has made his solemn entrance into Athens, and that he has taken possession of the Hellenic Throne.

I also inclose my reply to that document.

I have, &c.

(Signed)

P. CAMPBELL SCARLETT.

Inclosure 1 in No. 19.

M. Calligas to Mr. Scarlett.

M. le Ministre,

Athènes, le $\frac{19}{31}$ Octobre, 1863.

LA Grèce, en traversant les crises qui ont eu pour conséquence la déchéance d'une dynastie, n'a point dévié du principe Monarchique Constitutionnel, comme offrant les garanties d'ordre, et lui assurant, en même temps, la place qu'elle s'est déjà acquise dans la famille des Etats Européens.

L'Assemblée Nationale, légalement convoquée et issue du suffrage universel, librement exercé, a, par son Décret du $\frac{18}{30}$ Mars, 1863, proclamé Son Altesse Royale le Prince Christian Guillaume Ferdinand Adolphe Georges, fils puiné de Son Altesse Royale le Prince Christian de Danemark, Roi Constitutionnel des Hellènes, sous le titre de Georges I, Roi des Hellènes.

A la suite de ce Décret, les Représentants des trois Puissances bienfaitrices, réunis en Conférence, à Londres, le 16 et 27 Mai, et le 5 Juin, 1863, ont donné l'adhésion de leurs Cours respectives aux actes en vertu desquels Son Altesse Royale a été, du consentement de Sa Majesté le Roi de Danemark, et de son père Son Altesse Royale le Prince Christian, appelé au Trône Hellénique, sous le titre de Georges I, Roi des Hellènes.

Sa Majesté le Roi de Danemark, par ses lettres patentes du 10 Juin de la même année, a accepté, au nom de Son Altesse Royale, la souveraineté héréditaire du Royaume de Grèce, à la condition de l'annexion des Iles Ioniennes, que l'Angleterre, qui en avait le protectorat, laissait, par un esprit de loyauté et de bienveillance à la fois, libres de se prononcer elles-mêmes si elles voulaient faire partie du Royaume Hellénique.

En partageant les mêmes sentiments, la France et la Russie, de concert avec

l'Angleterre, ont converti les Protocoles en *Traité définitif*, conclu et signé, à Londres, le 13 Juillet, 1863, entre elles et Sa Majesté le Roi de Danemark, et dont les ratifications ont été échangées le 3 Août de la même année.

Dans l'intervalle l'Assemblée Nationale, par son Décret du $\frac{1}{2}\frac{5}{7}$ Juin, 1863, a déclaré le Roi majeur, à dater de ce même jour, et le Parlement Ionien, convoqué *ad hoc*, a exprimé ses vœux, dans la séance du ^{23 d Septembre}_{5 Octobre} de cette année, pour la réunion de cet Etat à la Grèce.

C'est à la suite de ces actes et de ce *Traité* que Sa Majesté le Roi mon auguste Souverain, appelé au Trône Hellénique par les vœux unanimes de la nation et par le concours bienveillant des trois Puissances bienfaitrices, la Grande Bretagne, la France, et la Russie, a fait hier son entrée solennelle à sa capitale, et a pris aujourd'hui possession de son Trône, après avoir prêté serment, conformément au Décret de l'Assemblée.

Ainsi, la Grèce, entrant dans la voie de l'ordre et du progrès, espère, sous un règne paisible et éclairé, développer ses ressources et consolider son avenir.

En portant à votre connaissance cette heureuse nouvelle, je ne doute pas, M. le Ministre, qu'elle ne soit accueillie par votre Gouvernement avec ces sentiments d'amitié et de bienveillance que Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande a constamment témoignés à la Grèce.

Agréé, &c.

(Signé) P. CALLIGAS.

(Translation.)

M. le Ministre, *Athens, October $\frac{1}{3}\frac{1}{1}$, 1863.*

GREECE, in passing through the crisis whose consequence has been the fall of a Dynasty, has not deviated from the principle of Constitutional Monarchy, as offering guarantees of order, and securing her, at the same time, the place she has already acquired in the family of European States.

The National Assembly, legally convoked, and the issue of the universal suffrage freely exercised, has by its Decree of the $\frac{1}{3}\frac{8}{10}$ th March, 1863, proclaimed His Royal Highness Prince Christian William Ferdinand Adolphus George, younger son of His Royal Highness the Prince Christian of Denmark, Constitutional King of the Hellenes, under the title of George I, King of the Hellenes.

In pursuance of this Decree, the Representatives of the three Protecting Powers, met in Conference in London the 16th and 27th of May, and the 5th of June, 1863, gave the adhesion of their respective Courts to the acts in virtue of which His Royal Highness has been, by the consent of His Majesty the King of Denmark, and of his father His Royal Highness Prince Christian, called to the Hellenic Throne under the title of George I, King of the Hellenes.

His Majesty the King of Denmark, by his Letters-Patent of the 10th June of the same year, has accepted, in the name of His Royal Highness, the hereditary sovereignty of the Kingdom of Greece, on condition of the annexation of the Ionian Islands, which England, who held the protectorate of them, in a spirit of loyalty and goodwill, left free to pronounce for themselves if they wished to become a part of the Hellenic Kingdom.

Partaking the same sentiments, France and Russia, in concert with England, have changed the Protocols into a definitive Treaty, concluded and signed in London on the 13th July 1863, between themselves and His Majesty the King of Denmark, the ratifications of which were exchanged on the 3rd of August of the same year.

In the interval the National Assembly, by its Decree of the $\frac{1}{2}\frac{5}{7}$ th June 1863, declared the King of age, to date from that day, and the Ionian Parliament, convoked for that purpose, expressed its wishes in the sitting of the ^{23 d September}_{5th October} of that year for the reunion of that State to Greece.

In consequence of these acts and of this Treaty, His Majesty the King my august Sovereign, called to the Hellenic Throne by the unanimous votes of the nation, and by the benevolent consent of the three Protecting Powers, Great Britain, France, and Russia, yesterday made his solemn entry into his capital, and to-day took possession of his Throne, after having taken the oath, conformably to the Decree of the Assembly.

Thus Greece, entering into the path of order and progress, hopes, under a peaceful and enlightened reign, to develop her resources, and strengthen her future.

In bringing to your knowledge this happy intelligence, I doubt not, M. le Ministre, that it will be welcomed by your Government with the same sentiments of friendship and goodwill which Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has continually shown towards Greece.

Accept, &c.

(Signed) P. CALLIGAS.

Inclosure 2 in No. 19.

Mr. Scarlett to M. Calligas.

Sir,

Athens, November 3, 1863.

I HAVE the honour to acknowledge your note of October $\frac{19}{31}$, informing me officially of the acts which have led so happily to the establishment of His Majesty George I as King of the Hellenes.

I will not fail to transmit a copy of that communication to Earl Russell by the first opportunity, and whilst awaiting his Lordship's reply to my despatch inclosing it I will limit myself to the expression of my hope that the events which have lately occurred in Greece will make a very favourable impression, and be considered of good augury for its future prosperity not only in the country I have the honour to represent, but throughout the world.

I have, &c.

(Signed)

P. CAMPBELL SCARLETT.

No. 20.

*Earl Russell to Earl Cowley.**

My Lord,

Foreign Office, November 18, 1863.

IT is necessary to bear in mind that when the accompanying Treaty relating to the Ionian Islands was signed, I stated to the Plenipotentiaries assembled that it was to be understood that Her Majesty the Protecting Sovereign of the Ionian Islands would give directions for the cessation of the civil authority exercised in the said Islands by the Lord High Commissioner, at the same time as the period fixed by the Treaty for the withdrawal of the British troops.

I am, &c.

(Signed)

RUSSELL.

Inclosure in No. 20.

Treaty between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, relative to the Ionian Islands. Signed at London, November 14, 1863.

[Laid before Parliament, February 4, 1864.]

No. 21.

Mr. Scarlett to Earl Russell.—(Received November 21.)

My Lord,

Athens, November 13, 1863.

THE National Bank at Athens was evacuated to-day by the British and French troops who have been in occupation of that establishment since the military disturbances of last July.

I have the honour to transmit to your Lordship copies of my correspondence with the Greek Minister for Foreign Affairs and Vice-Admiral Smart which has led to the adoption of this measure, any further occupation of the Bank by a foreign force being thought now unnecessary for its protection.

I have, &c.

(Signed)

P. CAMPBELL SCARLETT.

P.S.—The troops of the two nations were re-embarked to-day on board their respective ships.

P. C. S.

* Similar despatches were addressed to Lord Bloomfield, Lord Napier, Sir A. Buchanan, and Mr. Scarlett.

Inclosure 1 in No. 21.

Mr. Scarlett to M. Delyanni.

Sir,

Athens, November 7, 1863.

THE arrival of King George in his new dominions, and the tranquillity happily prevailing at Athens, seem to me to render unnecessary the continued occupation of the National Bank at Athens by a foreign force.

If the King's Government is also of that opinion it is desirable that His Majesty's commands should be taken on that subject, and in concert with my colleagues of France and Russia I will, after obtaining His Majesty's permission, take the necessary steps for the withdrawal of that force.

I have, &c.

(Signed) P. CAMPBELL SCARLETT.

Inclosure 2 in No. 21.

M. Delyanni to Mr. Scarlett.

M. le Ministre,

Athènes, le ^{27 Octobre}_{8 Novembre}, 1863.

JE me suis empressé de placer sous les yeux du Roi, et de communiquer aussi au Conseil des Ministres, l'office que vous m'avez fait l'honneur de m'adresser en date du 7 Novembre.

Le Gouvernement Royal partage entièrement l'opinion que vous y exprimez, et considère qu'en effet l'ordre étant maintenant consolidé à Athènes, après l'heureuse, arrivée en Grèce de Sa Majesté, la petite force armée des trois grandes Puissances bien-faitrices placée à la garde de la Banque Nationale à la suite des événements douloureux de Juin, devient aujourd'hui superflue.

Je viens, en conséquence, vous prier de vous entendre, à ce sujet, avec vos collègues de France et de Russie, afin que la force armée en question soit retirée.

Je crois devoir remplir, en même temps, M. le Ministre, un devoir, en vous exprimant les vifs remerciements du Gouvernement Royal pour l'empressement que vous et vos deux autres collègues avez mis à sauvegarder par cette mesure, dans des circonstances vraiment critiques, un si important établissement de la Grèce.

Agréez, &c.

(Signé) P. DELYANNI.

(Translation.)

M. le Ministre,

Athens, ^{October 27}_{November 8}, 1863.

I HASTENED to lay before the King, and also to communicate to the Council of Ministers, the note which you did me the honour to address me under date of the 7th November.

The King's Government partakes entirely of the opinion which you express therein, and considers in fact that since order is now established at Athens, after the happy arrival in Greece of His Majesty, the small armed force of the three protecting Powers placed on guard at the National Bank in consequence of the painful events of June has now become superfluous.

I therefore beg you to come to an understanding on this subject with your French and Russian colleagues, in order that the armed force in question may be withdrawn.

I think it my duty at the same time, M. le Ministre, to express to you the sincere thanks of the Royal Government for the readiness which you and your two other colleagues have shown in preserving by this measure, under really critical circumstances, so important an establishment of Greece.

Accept, &c.

(Signed) P. DELYANNI.

Inclosure 3 in No. 21.

Mr. Scarlett to Vice-Admiral Smart.

Sir,

Athens, November 9, 1863.

THE peaceable accession of King George to the Throne of Greece and the entire tranquillity happily reigning at Athens appear both to my French and Russian colleagues and to myself to make it now desirable that there should be no further military occupation of the National Bank at Athens by the troops of England, France, or Russia.

I have taken the King's commands on the subject through Count Sponneck, and I

have ascertained that His Majesty and the Hellenic Government are also desirous that this force should be withdrawn.

Under these circumstances I think it right to state that I do not deem it expedient that the British marines at the Bank should continue in the occupation of that establishment, and if you should concur with me in this opinion you will probably have no objection to re-embark them on board Her Majesty's ships at the Piræus as soon as ever you find it convenient to do so.

For your additional information I herewith inclose copies of the official correspondence I have had on this subject with M. Delyanni, the King's Minister of Foreign Affairs.

I have great pleasure in stating that the excellent conduct and high state of discipline of the British troops have been the theme of universal praise at Athens, and in their frequent relations with Her Majesty's Legation both officers and men have given me at all times entire satisfaction.

I have, &c.
(Signed) P. CAMPBELL SCARLETT.

Inclosure 4 in No. 21.

Vice-Admiral Smart to Mr. Scarlett.

Sir, "Marlborough," Piræus of Athens, November 11, 1863.

I HAVE the honour to acknowledge the receipt, this afternoon, of your despatch of the 9th instant, inclosing a copy of your letter of the 7th to the Minister of Foreign Affairs at Athens, together with his reply of the 8th instant, respecting the withdrawal from the National Bank at Athens of the armed force landed by the Protecting Powers of Greece for the security of that establishment.

The commands of His Majesty the King of the Hellenes as conveyed to you through Count Sponneck shall be obeyed, and the British marines will be withdrawn as soon as I have arranged with Rear-Admiral d'Aboville the simultaneous removal of the French force, which I propose should be carried into effect on Friday next the 13th instant at noon.

I have, &c.
(Signed) ROBT. SMART.

Inclosure 5 in No. 21.

Mr. Scarlett to M. Delyanni.

Sir, Athens, November 12, 1863.

I HAVE the honour to inform you that I have arranged with the Vice-Admiral in command of the British naval forces at the Piræus to withdraw, to-morrow at 12 A.M., the British marines from the National Bank at Athens for the purpose of re-embarking these troops in the vessels to which they belong.

I hasten to give you notice of this intention in order that a national force may be substituted at that time for the foreign protection which is happily no longer necessary at that establishment.

I will only in conclusion add my earnest hope that the unanimity and enthusiasm of loyal feeling so widely manifested in favour of the King of the Hellenes throughout Greece may tend to eradicate every germ of national discord, and that all parties may at length cordially unite in acts of patriotism and in support of the King's authority.

I have, &c.
(Signed) P. CAMPBELL SCARLETT.

No. 22.

Mr. Hammond to Sir E. Lugard.

Sir, Foreign Office, January 6, 1864.

I AM directed by Earl Russell to communicate to you, for the information of Earl de Grey, the copy of the Treaty of the 14th of November in the shape in which it was ratified on the 2nd instant.

I am desired to point out to you that by the IIIrd Article the fortifications constructed on the Island of Corfu and its immediate Dependencies are to be demolished.

This demolition is to be effected before the withdrawal of the troops employed by Her Majesty in the occupation of the Islands. The demolition is to be made in the manner which Her Majesty shall judge sufficient for fulfilling the intentions of the High Contracting Parties.

Lord Russell considers that those intentions would be fulfilled if Corfu were deprived of the main works which constitute it a strong fortress, and which would enable any foreign Power or any revolutionary band to withstand a regular siege by the military forces of any of the Great Powers of Europe.

The intentions of the Powers who constructed the Treaty of November 14 would be misinterpreted and perverted if Corfu were wantonly to be deprived of any of those ancient fortifications which do not constitute the real strength of the place, but the demolition of which might not only destroy the chief ornament of the town, but endanger the dwellings of the inhabitants.

Lord Russell, judging from the information placed at his disposal by Earl de Grey, is inclined to think that the demolition of the fort of Vido and of Fort Abraham, and the dismantling of the citadel, Fort Neuf, and other fortifications, would answer the object in view, and fulfil the intentions of the High Contracting Parties.

Should Earl de Grey concur in this opinion, the dismantling of the fortresses and the removal of warlike stores should immediately commence, and preparations should be made for the demolition of the fort on the Island of Vido, and of Fort Abraham, before the expiration of three months from the ratification of the Treaty about to be made between the three Protecting Powers and the Kingdom of Greece.

I am, &c.
(Signed) E. HAMMOND.

No. 23.

Earl Russell to Mr. Scarlett.

Sir,

Foreign Office, January 28, 1864.

I HAVE the satisfaction to send you the draft of a Treaty between the three Protecting Powers and Greece, together with copies of Protocols A and B, signed at the Foreign Office on the 25th instant.

You must understand, and give the Greek Government to understand, that Austria only agrees to the modification of the Article of the Treaty of November 14, which regards neutrality, on condition that Articles III and VII, which respect commercial relations, are agreed to in their present shape.

The Greek Government will, I am sure, be struck with the care which the three Protecting Powers have shown in securing the interests of the Hellenic Monarchy, and in removing the obstacles to the union of the Ionian Islands with Greece. Her Majesty's Government, on their part, in making the voluntary surrender of the Protectorate of the Ionian Islands, have been animated by the hope that this valuable addition to Greek territory might prove the source of increased prosperity and confirmed tranquillity.

The union to Greece of a kindred people will, it is the fervent hope of Her Majesty's Government, tend to enlarge the commerce, and give fresh vigour to the energies of a free and happy State.

I am, &c.
(Signed) RUSSELL.

Inclosure 1 in No. 23.

Projet de Traité.

Préambule.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande a fait connaître à l'Assemblée Législative des Etats Unis des Iles Ioniennes qu'en vue de réunir éventuellement ces Iles au Royaume de Grèce, elle était prête, si le Parlement Ionien en exprimait le vœu, à faire abandon du Protectorat de ces Iles, confié à Sa Majesté par le Traité conclu à Paris le 5 Novembre, 1815, entre les Cours de la Grande Bretagne, d'Autriche, de Prusse, et de Russie. Ce vœu ayant été manifesté par un vote de la dite

Assemblée Législative, rendu à l'unanimité des voix le 7^o Octobre, 1863, Sa Majesté Britannique a consenti par l'Article I du Traité conclu le 14 Novembre, 1863, entre Sa Majesté l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, à renoncer au dit Protectorat, sous de certaines conditions spécifiées dans le Traité précité.

De leur côté, Leurs Majestés l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, ont consenti par le même Article et sous les mêmes conditions à accepter cette renonciation, et à reconnaître, conjointement avec Sa Majesté Britannique, l'union de ces Iles au Royaume de Grèce.

En vertu de l'Article V du Traité signé à Londres le 13 Juillet, 1863, il a été convenu, en outre, d'un commun accord, entre Sa Majesté Britannique et Leurs Majestés l'Empereur des Français et l'Empereur de toutes les Russies, que les Iles Ioniennes, lorsque leur réunion au Royaume de Grèce aurait été effectuée comme l'Article IV du même Traité l'a prévu, seraient comprises dans la garantie stipulée en faveur de la Grèce par les Cours de la Grande Bretagne, de France, et de Russie, en vertu de la Convention signée à Londres le 7 Mai, 1832.

En conséquence, d'accord avec les stipulations du Traité du 13 Juillet, 1863, et conformément aux termes de l'Article VI du Traité du 14 Novembre, 1863, par lequel les Cours de la Grande Bretagne, de France, et de Russie, en leur qualité de Puissances garantes du Royaume de Grèce, se sont réservé de conclure un Traité avec le Gouvernement Hellénique sur les arrangements que pourra nécessiter la réunion des Iles Ioniennes à la Grèce, Leurs dites Majestés ont résolu de procéder à négocier avec Sa Majesté le Roi des Hellènes un Traité, à l'effet de mettre à exécution les stipulations ci-dessus mentionnées.

Sa Majesté le Roi des Hellènes ayant donné son assentiment à la conclusion de ce Traité, Leurs dites Majestés ont nommé pour leurs Plénipotentiaires, savoir :—

Etc., etc.

ARTICLE I.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, désirant réaliser le vœu que l'Assemblée Législative des Etats Unis des Iles Ioniennes a exprimé de voir ces Iles réunies à la Grèce, a consenti, sous les conditions spécifiées ci-après, à renoncer au Protectorat des Iles de Corfou, Céphalonie, Zante, Sainte-Maure, Ithaque, Cerigo, et Paxo, avec leurs dépendances, lesquelles, en vertu du Traité signé à Paris le 5 Novembre, 1815, par les Plénipotentiaires de la Grande Bretagne, d'Autriche, de Prusse, et de Russie, ont été constituées en un seul Etat libre et indépendant sous la dénomination "d'Etats Unis des Iles Ioniennes," placé sous la protection immédiate et exclusive de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ses héritiers et successeurs.

En conséquence, Sa Majesté Britannique, Sa Majesté l'Empereur des Français, et Sa Majesté l'Empereur de toutes les Russies, en leur qualité de signataires de la Convention du 7 Mai, 1832, reconnaissent cette union, et déclarent que la Grèce, dans les limites déterminées par l'arrangement conclu à Constantinople, entre les Cours de la Grande Bretagne, de France, et de Russie, avec la Porte Ottomane le 21 Juillet, 1832—y compris les Iles Ioniennes—formera un Etat Monarchique, indépendant, et constitutionnel, sous la Souveraineté de Sa Majesté le Roi George et sous la garantie des trois Cours.

ARTICLE II.

Les Cours de France, de la Grande Bretagne, et de Russie, en leur qualité de Puissances garantes de la Grèce, déclarent, avec l'assentiment des Cours d'Autriche et de Prusse, que les Iles de Corfou et de Paxo, ainsi que leurs dépendances, après leur réunion au Royaume Hellénique, jouiront des avantages d'une neutralité perpétuelle.

Sa Majesté le Roi des Hellènes s'engage, de son côté, à maintenir cette neutralité.

ARTICLE III.

La réunion des Iles Ioniennes au Royaume Hellénique n'apportera aucun changement aux avantages concédés au commerce et à la navigation étrangers, en vertu de Traités et de Conventions conclus par les Puissances étrangères avec Sa Majesté Britannique, en sa qualité de Protectrice des Iles Ioniennes.

Tous les engagements qui résultent des dites transactions, ainsi que des réglemens y relatifs, actuellement en vigueur, seront maintenus et strictement observés comme par le passé.

En conséquence il est expressément entendu que les bâtimens et le commerce

étrangers dans les ports Ioniens, de même que la navigation entre les ports Ioniens et ceux de la Grèce, continueront à être soumis au même traitement et placés dans les mêmes conditions qu'avant la réunion des Iles Ioniennes à la Grèce, et cela jusqu'à la conclusion de nouvelles Conventions formelles ou d'arrangements destinés à régler entre les parties intéressées les questions de commerce, de navigation, ainsi que celles du service régulier des communications postales.

ARTICLE IV.

La réunion des Etats Unis des Iles Ioniennes au Royaume de Grèce n'invalidera en rien les principes établis par la législation existante de ces Iles, en matière de liberté du culte et de tolérance religieuse; conséquemment, les droits et immunités consacrés en matière de religion par les Chapitres I et V de la Charte Constitutionnelle des Etats Unis des Iles Ioniennes, et spécialement la reconnaissance de l'Eglise Grecque Orthodoxe comme religion dominante dans ces Iles, l'entière liberté du culte accordée à l'Eglise de l'Etat de la Puissance Protectrice, et la parfaite tolérance promise aux autres communions Chrétiennes, seront maintenus après l'union dans toute leur force et valeur.

La protection spéciale garantie à l'Eglise Catholique Romaine, ainsi que les avantages dont elle est présentement en possession, seront également maintenus; et les sujets appartenant à cette communion jouiront dans les Iles Ioniennes de la même liberté de culte qui leur a été reconnue en Grèce par le Protocole du 3 Février, 1830.

Le principe de l'entière égalité civile et politique entre les sujets appartenant aux divers rites, consacré en Grèce par le même Protocole, sera pareillement en vigueur dans les Iles Ioniennes.

ARTICLE V.

L'Assemblée Législative des Etats Unis des Iles Ioniennes ayant décrété par une résolution rendue le $\frac{7}{19}$ Octobre, 1863, que la somme de dix mille livres sterling par an serait affectée, en paiements mensuels, à augmenter la Liste Civile de Sa Majesté le Roi des Hellènes, de manière à constituer la première charge à prélever sur la recette des Iles Ioniennes, Sa Majesté le Roi des Hellènes s'engage à mettre ce décret dûment à exécution.

ARTICLE VI.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur des Français, et Sa Majesté l'Empereur de toutes les Russies, sont convenues de faire abandon en faveur de Sa Majesté le Roi Georges I, chacune de quatre mille livres sterling par an, sur les sommes que le trésor Grec s'est engagé à payer annuellement à chacune d'elles, en vertu de l'arrangement conclu à Athènes par le Gouvernement Grec, avec le concours des Chambres Grecques, au mois de Juin 1860.

Il est expressément entendu que ces trois sommes, formant un total de douze mille livres sterling annuellement, seront destinées à constituer une dotation personnelle de Sa Majesté le Roi Georges I, en sus de la Liste Civile fixée par la loi de l'Etat. L'avènement de Sa Majesté au Trône Hellénique n'apportera d'ailleurs aucun changement aux engagements financiers que la Grèce a contractés par l'Article XII de la Convention du 7 Mai, 1832, envers les Puissances garantes de l'emprunt, ni à l'exécution de l'engagement pris par le Gouvernement Hellénique, au mois de Juin 1860, sur la représentation des trois Cours.

ARTICLE VII.

Sa Majesté le Roi des Hellènes s'engage à prendre à sa charge tous les engagements et contrats légalement conclus par le Gouvernement des Etats Unis des Iles Ioniennes, ou en leur nom par la Puissance protectrice de ces Iles, conformément à la Constitution des Iles Ioniennes, soit avec des Gouvernements étrangers, soit avec des Compagnies et Associations, soit avec des individus privés; et promet de remplir les dits engagements et contrats dans toute leur étendue, comme s'ils avaient été conclus par Sa Majesté ou par le Gouvernement Hellénique. Dans cette catégorie se trouvent spécialement compris: la dette publique des Iles Ioniennes; les privilèges concédés à la Banque Ionienne, à la Compagnie Maritime connue sous le nom de Lloyds Autrichien, conformément à la Convention Postale du 1 Décembre, 1853, et à la Compagnie de Gaz de Malte et de la Méditerranée.

ARTICLE VIII.

Sa Majesté le Roi des Hellènes promet de prendre à sa charge:—

1. Les pensions accordées à des sujets Britanniques par le Gouvernement Ionien, conformément aux règles établies aux Iles Ioniennes en matière de pensions.

2. Les indemnités dues à certains individus actuellement au service du Gouvernement Ionien, lesquels perdront leurs emplois par suite de l'union des Iles à la Grèce.

3. Les pensions dont plusieurs sujets Ioniens jouissent, en rémunération de services rendus au Gouvernement Ionien.

Une Convention spéciale, conclue entre Sa Majesté Britannique et Sa Majesté le Roi des Hellènes, déterminera le chiffre de ces différentes allocations, et règlera le mode de leur payement.

ARTICLE IX.

Les autorités civiles et les forces militaires de Sa Majesté Britannique seront retirées du territoire des Etats Unis des Iles Ioniennes dans l'espace de trois mois, ou plus tôt si faire se peut, après la ratification du présent Traité.

ARTICLE X.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres dans le délai de six semaines, ou plus tôt si faire se peut.

En foi de quoi, &c.

(Translation.)

Draft of Treaty.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland made known to the Legislative Assembly of the United States of the Ionian Islands that, with a view to the eventual union of those Islands to the Kingdom of Greece, she was prepared, if the Ionian Parliament should express a wish to that effect, to abandon the Protectorate of those Islands, confided to Her Majesty by the Treaty concluded at Paris on the 5th of November, 1815, between the Courts of Great Britain, Austria, Prussia, and Russia. Such wish having been expressed by a vote of the said Legislative Assembly passed unanimously on the 7th October, 1863, Her Britannic Majesty consented, by Article I of the Treaty concluded on the 14th of November, 1863, between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, to renounce the said Protectorate under certain conditions specified in that Treaty.

On their part, their Majesties the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, consented by the same Article, and under the same conditions, to accept such renunciation, and to recognize, in conjunction with Her Britannic Majesty, the union of those Islands to the Kingdom of Greece.

In virtue of Article V of the Treaty signed at London on the 13th of July, 1863, it was moreover agreed by common consent between Her Britannic Majesty and their Majesties the Emperor of the French and the Emperor of all the Russias, that the Ionian Islands, when their union to the Kingdom of Greece should have been effected as contemplated by Article IV of the same Treaty, should be comprised in the guarantee stipulated in favour of Greece by the Courts of Great Britain, France, and Russia, in virtue of the Convention signed at London on the 7th of May, 1832.

In consequence, and in accordance with the stipulations of the Treaty of the 13th of July, 1863, and with the terms of Article VI of the Treaty of the 14th of November, 1863, whereby the Courts of Great Britain, France, and Russia, in their character of Guaranteeing Powers of the Kingdom of Greece, reserved to themselves to conclude a Treaty with the Hellenic Government as to the arrangements which might become necessary in consequence of the union of the Ionian Islands to Greece, Their said Majesties have resolved to proceed to negotiate with His Majesty the King of the Hellenes a Treaty for the purpose of carrying into execution the stipulations above mentioned.

His Majesty the King of the Hellenes having given his assent to the conclusion of such Treaty, Their said Majesties have named as their Plenipotentiaries, that is to say :—
Etc., etc.

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, desiring to realize the wish expressed by the Legislative Assembly of the United States of the Ionian Islands, that those Islands should be united to Greece, has consented, on the conditions hereinafter specified, to renounce the Protectorate over the Islands of Corfu, Cephalonia, Zante, Santa Maura, Ithaca, Cerigo, and Paxo, with their dependencies, which, in virtue of the Treaty signed at Paris on the 5th of November, 1815, by the Plenipotentiaries of Great Britain, Austria, Prussia, and Russia, were constituted a single free and independent State, under the denomination of "the United States of the Ionian Islands,"

placed under the immediate and exclusive protection of His Majesty the King of the United Kingdom of Great Britain and Ireland, his heirs and successors.

In consequence, Her Britannic Majesty, His Majesty the Emperor of the French, and His Majesty the Emperor of all the Russias, in their character of signing parties to the Convention of the 7th of May, 1832, recognize such union, and declare that Greece, within the limits determined by the arrangement concluded at Constantinople between the Courts of Great Britain, France, and Russia, and the Ottoman Porte, on the 21st of July, 1832,—including the Ionian Islands,—shall form a monarchical, independent, and constitutional State, under the Sovereignty of His Majesty King George and under the guarantee of the three Courts.

ARTICLE II.

The Courts of France, Great Britain, and Russia, in their character of guaranteeing Powers of Greece, declare, with the assent of the Courts of Austria and Prussia, that the Islands of Corfu and Paxo, as well as their dependencies, shall, after their union to the Hellenic Kingdom, enjoy the advantages of perpetual neutrality.

His Majesty the King of the Hellenes engages, on his part, to maintain such neutrality.

ARTICLE III.

The union of the Ionian Islands to the Hellenic Kingdom shall not involve any change as to the advantages conceded to foreign commerce and navigation in virtue of Treaties and Conventions concluded by foreign Powers with Her Britannic Majesty, in her character of Protector of the Ionian Islands.

All the engagements which result from the said transactions, as well as from the regulations actually in force in relation thereto, shall be maintained and strictly observed as hitherto.

In consequence, it is expressly understood that foreign vessels and commerce in Ionian ports, as well as the navigation between Ionian ports and the ports of Greece, shall continue to be subject to the same treatment, and placed under the same conditions, as before the union of the Ionian Islands to Greece, until the conclusion of new formal Conventions, or of arrangements destined to regulate between the parties concerned, questions of commerce and navigation, as well as questions relating to the regular service of communication by post.

ARTICLE IV.

The union of the United States of the Ionian Islands to the Kingdom of Greece shall in no wise invalidate the principles established by the existing legislation of those Islands with regard to freedom of worship and religious toleration; accordingly the rights and immunities established in matters of religion by Chapters I and V of the Constitutional Charter of the United States of the Ionian Islands, and specifically the recognition of the Orthodox Greek Church as the dominant religion in those Islands; the entire liberty of worship granted to the Established Church of the Protecting Power; and the perfect toleration promised to other Christian communions,—shall, after the union, be maintained in their full force and effect.

The special protection guaranteed to the Roman Catholic Church, as well as the advantages of which that Church is actually in possession, shall be equally maintained; and the subjects belonging to that communion shall enjoy in the Ionian Islands the same freedom of worship which is recognized in their favour by the Protocol of the 3rd of February, 1830.

The principle of entire civil and political equality between subjects belonging to different creeds, established in Greece by the same Protocol, shall be likewise in force in the Ionian Islands.

ARTICLE V.

The Legislative Assembly of the United States of the Ionian Islands having decreed by a resolution passed on the 17th of October, 1863, that the sum of ten thousand pounds sterling a year shall be appropriated, in monthly payments, to augment the Civil List of His Majesty the King of the Hellenes, so as to constitute the first charge upon the revenue of the Ionian Islands, His Majesty the King of the Hellenes engages to carry that Decree duly into execution.

ARTICLE VI.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, and His Majesty the Emperor of all the Russias, agree to relinquish in favour of His Majesty King George I, each four thousand pounds sterling a year, out of the sums which the Greek Treasury has engaged to pay annually to each of them, in virtue of the arrangement concluded at Athens by the Greek Government, with the concurrence of the Greek Chambers, in the month of June 1860.

It is expressly understood that these three sums, forming a total of twelve thousand pounds sterling annually, shall be destined to constitute a personal dotation of His Majesty King George I, in addition to the Civil List fixed by the law of the State. The accession of His Majesty to the Hellenic Throne shall not otherwise involve any change in the financial engagements which Greece has contracted by Article XII of the Convention of May 7, 1832, towards the Powers guarantees of the Loan, nor in the execution of the engagement taken by the Hellenic Government in the month of June 1860, upon the representation of the three Courts.

ARTICLE VII.

His Majesty the King of the Hellenes engages to take upon himself all the engagements and contracts lawfully concluded by the Government of the United States of the Ionian Islands, or in their name by the Protecting Power of those Islands, conformably to the Constitution of the Ionian Islands, whether with foreign Governments, with Companies and Associations, or with private individuals; and promises to fulfil the said engagements and contracts fully and completely, as if they had been concluded by His Majesty or by the Hellenic Government. Under this head are specially included: the public debt of the Ionian Islands; the privileges conceded to the Ionian Bank, to the Navigation Company known under the name of the Austrian Lloyds, in conformity with the Postal Convention of the 1st of December, 1853, and to the Malta and Mediterranean Gas Company.

ARTICLE VIII.

His Majesty the King of the Hellenes promises to take upon himself,—

1. The pensions granted to British subjects by the Ionian Government, in conformity with the rules established in the Ionian Islands respecting pensions.

2. The compensation allowances due to certain individuals actually in the service of the Ionian Government, who will lose their employments in consequence of the union of the Islands to Greece.

3. The pensions which several Ionian subjects are in the enjoyment of, in remuneration of services rendered to the Ionian Government.

A special Convention to be concluded between Her Britannic Majesty and His Majesty the King of the Hellenes shall determine the amounts of these different heads, and shall regulate the mode of their payment.

ARTICLE IX.

The civil authorities and the military forces of Her Britannic Majesty shall be withdrawn from the territory of the United States of the Ionian Islands in three months, or sooner if possible, after the ratification of the present Treaty.

ARTICLE X.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner if possible.

In witness whereof, &c. &c.

Inclosure 2 in No. 23.

Protocole (A) de la Conférence tenue au Foreign Office, le 25 Janvier, 1864.

Présens :

Les Plénipotentiaires d'Autriche ;
de France ;
de la Grande Bretagne ;
de Prusse ; et
de Russie.

LE Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères s'étant entendu avec les Plénipotentiaires de France et de Russie, a annoncé que les trois Cours Protectrices s'accordent unanimement à penser—

1. Qu'il n'y a pas lieu d'insister sur la limitation des forces navales et militaires que la Grèce entretiendra dans les Iles Ioniennes, ainsi que le porte l'Article II du Traité du 14 Novembre.

2. Que les avantages de la neutralité établie par le même Article en faveur des Sept Iles devront s'appliquer seulement aux Iles de Corfou et de Paxo, ainsi qu'à leurs dépendances.

Afin de réaliser la pensée des Puissances signataires du Traité du 14 Novembre, le Principal Secrétaire d'Etat est d'avis qu'il suffit d'insérer dans le Traité à conclure avec la Grèce, un Article conçu dans les termes suivants:—

"Les Cours de France, de la Grande Bretagne, et de Russie, en leur qualité de Puissances garantes de la Grèce, déclarent, avec l'assentiment des Cours d'Autriche et de Prusse, que les Iles de Corfou et de Paxo, ainsi que leurs dépendances, après leur réunion au Royaume Hellénique, jouiront des avantages d'une neutralité perpétuelle.

"Sa Majesté le Roi des Hellènes s'engage, de son côté, à maintenir cette neutralité."

Les Plénipotentiaires d'Autriche et de Prusse ont donné leur adhésion aux deux modifications ci-dessus mentionnées, ainsi qu'à la rédaction de l'Article proposé par les Plénipotentiaires des trois Puissances Protectrices.

(Signé)

APPONYI.
LA TOUR D'AUVERGNE.
RUSSELL.
BERNSTORFF.
BRUNNOW.

(Translation.)

Protocol (A) of Conference held at the Foreign Office, January 25, 1864.

Present :

The Plenipotentiaries of Austria ;

France ;

Great Britain ;

Prussia ; and

Russia.

THE Principal Secretary of State for Foreign Affairs of Her Britannic Majesty having come to an understanding with the Plenipotentiaries of France and Russia, announced that the three Protecting Courts are unanimously of opinion—

1. That it is not necessary to insist upon the limitation prescribed by Article II of the Treaty of the 14th of November, as to the naval and military forces to be maintained by Greece in the Ionian Islands.

2. That the advantages of neutrality established by the same Article in favour of the Seven Islands shall apply only to the Islands of Corfu and Paxo and their dependencies.

In order to carry out the intention of the signing Powers of the Treaty of the 14th of November, the Principal Secretary of State was of opinion that it would be sufficient to insert in the Treaty to be concluded with Greece an Article in the following terms:—

"The Courts of Great Britain, France, and Russia, in their character of guaranteeing Powers of Greece, declare, with the assent of the Courts of Austria and Prussia, that the Islands of Corfu and Paxo, as well as their dependencies, shall, after their union to the Hellenic Kingdom, enjoy the advantages of perpetual neutrality.

"His Majesty the King of the Hellenes engages, on his part, to maintain such neutrality."

The Plenipotentiaries of Austria and Prussia gave their adhesion to the two modifications above mentioned, as well as to the wording of the Article as proposed by the Plenipotentiaries of the three Protecting Powers.

(Signed)

APPONYI.
LA TOUR D'AUVERGNE.
RUSSELL.
BERNSTORFF.
BRUNNOW.

Protocole (B) de la Conférence tenue au Foreign Office, le 25 Janvier, 1864.

Présens :

Les Plénipotentiaires d'Autriche ;
de France ;
de la Grande Bretagne ;
de Prusse ; et
de Russie.

LE Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères, en ouvrant la séance, a annoncé que les Plénipotentiaires des Cours de France, de la Grande Bretagne, et de Russie, conformément à la teneur de l'Article VI du Traité conclu à Londres le 14 Novembre, 1863, sont entrés déjà en communication avec le Gouvernement Hellénique, sur les arrangements que pourra nécessiter la réunion des Iles Ioniennes à la Grèce.

Afin de faciliter le succès de cette négociation, le Principal Secrétaire d'Etat a signalé l'opportunité de compléter, par un Protocole explicatif, les stipulations contenues dans l'Article IV, afin d'en préciser le sens de manière à prévenir toute fausse interprétation.

Dans ce but, il a constaté que les avantages acquis à la navigation et au commerce étrangers, en vertu des Traités conclus par le Gouvernement de Sa Majesté Britannique, en sa qualité de Protectrice de l'Etat Ionien, ne sont point permanents, mais limités dans leur durée. Par conséquent, ils ont besoin d'être renouvelés ou modifiés par de nouveaux arrangements, à l'époque où les Conventions en vertu desquelles ces avantages ont été concédés viendront à expirer, après les notifications d'usage.

A l'échéance de ce terme, le Gouvernement Hellénique aura la faculté de s'entendre avec les Puissances étrangères sur les arrangements à prendre, de gré à gré, pour régler les questions de commerce, de douane, de navigation, de communications postales, &c., dans un esprit favorable au développement des relations réciproques des pays respectifs.

Après cet exposé, le Principal Secrétaire d'Etat a invité les Plénipotentiaires, réunis en Conférence, à échanger leurs idées sur l'application des principes qu'il a cru devoir déférer à leur examen.

M. l'Ambassadeur d'Autriche a énoncé à ce sujet l'opinion de sa Cour dans les termes ci-après :—

Le Cabinet Impérial, en adhérant à la réunion des Iles Ioniennes au Royaume Hellénique, a cru devoir veiller, avec soin, à ce que ce changement, apporté à l'existence politique de l'Etat Septinsulaire, n'altérât en rien les avantages assurés aux sujets Autrichiens par les Traités et les Conventions conclus et actuellement en vigueur aux Iles Ioniennes, sous le régime du protectorat Anglais.

Dans cette vue, le Cabinet Impérial a essentiellement tenu à sauvegarder le maintien des privilèges légalement concédés à la Compagnie du Lloyd Autrichien. Ils se réfèrent principalement aux facilités accordées à la navigation du Lloyd, et consistent notamment dans la *libera pratica*, et dans l'exemption des droits de port, dont cette Compagnie jouit dans les Iles Ioniennes, en vertu de la Convention Postale conclue le 1 Décembre, 1853.

Le Traité de Commerce entre l'Autriche et la Grèce est loin de concéder les mêmes avantages à la navigation Autrichienne. Il s'en suit, que si, en fréquentant désormais les ports Ioniens, les bâtiments du Lloyd étaient soumis aux réglemens en vigueur en Grèce, ils éprouveraient un dommage réel. De plus, le cabotage étant réservé en Grèce à la navigation indigène, on pourrait, du moment où les ports Ioniens deviendraient Grecs, contester aux navires du Lloyd le droit de faire, comme à présent, leurs voyages réguliers entre les ports Ioniens et les ports Grecs.

Le paragraphe 3 de l'Article IV du Traité du 14 Novembre dernier a eu pour but d'obvier à cet inconvénient.

Le Cabinet Impérial est en droit de réclamer l'application pleine et entière du paragraphe précité en faveur des bâteaux de la Compagnie du Lloyd : il consent cependant, à titre de concession, à ce que les dispositions de ce paragraphe ne restent en vigueur que jusqu'à la conclusion de nouvelles Conventions formelles ou d'arrangements destinés à régler entre les parties intéressées les questions de commerce, de navigation, ainsi que celles du service régulier des communications postales.

De même, le Cabinet Impérial reconnaît au Gouvernement Hellénique le droit inhérent à chaque Etat indépendant d'élever ou d'abaisser ses tarifs de douane par mesures de législation intérieure.

M. l'Ambassadeur d'Autriche a tenu à constater, d'ordre de sa Cour, que le fait de la réunion des Iles Ioniennes à la Grèce ne saurait porter préjudice aux droits acquis au commerce et à la navigation de l'Autriche, en vertu de Traités actuellement en vigueur, aussi longtemps que de nouveaux arrangements à ce sujet n'auront pas été conclus entre les parties intéressées. Il a cru pouvoir insister d'autant plus sur ce point, que son Gouvernement avait le droit incontestable de s'en tenir purement et simplement aux stipulations du Traité du 14 Novembre dernier.

M. l'Ambassadeur de Prusse a donné à la déclaration ci-dessus son complet assentiment; en constatant également, d'ordre de sa Cour, que le fait de la réunion des Iles Ioniennes à la Grèce ne saurait porter préjudice aux droits acquis au commerce et à la navigation de la Prusse et des autres États du Zollverein en vertu des Traités actuellement en vigueur.

Le Principal Secrétaire d'Etat de Sa Majesté Britannique, ainsi que les Ambassadeurs de France et de Russie, ont apprécié la justesse de ces explications, et exprimé l'intention d'en tenir compte dans la poursuite de la négociation confiée à leurs soins.

Dans ce but, le Principal Secrétaire d'Etat de Sa Majesté Britannique s'est chargé, au nom de la Conférence, de porter le présent Protocole explicatif à la connaissance du Cabinet d'Athènes.

(Signé) APPONYI.
LA TOUR D'AUVERGNE.
RUSSELL.
BERNSTORFF.
BRUNNOW.

(Translation.)

Protocol (B) of Conference held at the Foreign Office, January 25, 1864.

Present :

The Plenipotentiaries of Austria ;
France ;
Great Britain ;
Prussia ; and
Russia.

THE Principal Secretary of State for Foreign Affairs of Her Britannic Majesty announced at the commencement of the meeting that the Plenipotentiaries of the Courts of France, Great Britain, and Russia had, in conformity with the provisions of Article VI of the Treaty concluded at London on the 14th of November, 1863, already entered into communication with the Hellenic Government, with regard to the arrangements which would become necessary in consequence of the union of the Ionian Islands to Greece.

In order to facilitate the success of that negotiation the Principal Secretary of State suggested that it would be desirable to complete, by an explanatory Protocol, the stipulations contained in Article IV, so that the sense thereof might be defined in such a manner as to prevent any misinterpretation.

With this view he pointed out that the advantages acquired by foreign navigation and commerce, in virtue of Treaties concluded by the Government of Her Britannic Majesty, in the character of Protector of the Ionian States, are not permanent, but limited in their duration. Consequently it would be necessary that they should be renewed or modified by fresh arrangements, at the time when the Conventions in virtue of which such advantages have been conceded should expire after the customary notices.

At the end of such term the Hellenic Government will be at liberty to come to an understanding with foreign Powers with regard to the arrangements to be made by mutual agreement for the purpose of regulating questions of commerce, customs, navigation, communication by post, &c., in a spirit favourable to the development of the relations between the respective countries.

After this statement the Principal Secretary of State invited the Plenipotentiaries assembled in Conference to communicate to each other their ideas as to the application of the principles which he had thought it desirable to submit to their consideration.

The Ambassador of Austria expressed in the following terms the opinion of his Court upon the subject :—

The Imperial Cabinet, in acceding to the union of the Ionian Islands with the Hellenic Kingdom, has felt itself bound to take care that this change in the political existence of the Septinsular State shall in no way impair the advantages secured to Austrian subjects,

by Treaties and Conventions concluded and actually in force in the Ionian Islands, under the system of British Protectorate.

With this view, the Imperial Cabinet has attached essential importance to the maintenance of the privileges lawfully conceded to the Company of the Austrian Lloyds. Those privileges refer chiefly to the facilities granted to the Lloyd's vessels, and especially comprise the *libera pratica*, and the exemption from port dues which that Company enjoys in the Ionian Islands, in virtue of the Postal Convention concluded on the 1st of December, 1853.

The Treaty of Commerce between Austria and Greece is far from conceding the same advantages to Austrian navigation. It therefore follows, that if the vessels of the Lloyd's, in henceforward visiting Ionian ports, were to be subjected to the regulations in force in Greece, they would sustain a real injury. Moreover, the coasting trade being reserved in Greece to national vessels, the right of the Lloyd's vessels to make, as at present, their regular voyages between Ionian ports and Greek ports, might, from the moment when Ionian ports become Greek ports, be disputed.

The object of the third paragraph of Article IV of the Treaty of the 14th of November was to obviate this inconvenience.

The Imperial Cabinet has the right to claim the full and entire application of the above-mentioned paragraph in favour of the vessels of the Lloyd's Company; but nevertheless it consents, by way of concession, that the arrangements of that paragraph shall remain in force only until the conclusion of new formal Conventions or of arrangements for the purpose of regulating between the parties concerned, questions of commerce and navigation, as well as questions relating to the regular service of communication by post.

The Imperial Cabinet moreover recognizes that the Hellenic Government possesses the right inherent in every independent State to raise or lower its Tariff of Customs by measures of internal legislation.

The Ambassador of Austria particularly insisted, by order of his Court, that the fact of the union of the Ionian Islands to Greece cannot prejudice the rights acquired by Austrian commerce and navigation in virtue of Treaties actually in force, so long as fresh arrangements on the subject shall not have been concluded between the respective parties. He claimed to insist the more strongly upon this point, because his Government had the incontestable right to abide purely and simply by the stipulations of the Treaty of the 14th of November last.

The Ambassador of Prussia gave his complete assent to the preceding declaration, and insisted likewise, by order of his Court, that the fact of the union of the Ionian Islands to Greece cannot prejudice the rights acquired by the commerce and navigation of Prussia and the other States of the Zollverein in virtue of Treaties actually in force.

The Principal Secretary of State of Her Britannic Majesty, as well as the Ambassadors of France and Russia, appreciated the justice of these explanations, and expressed the intention of giving them due weight in the prosecution of the negotiations entrusted to their care.

With this view the Principal Secretary of State of Her Britannic Majesty undertook, in the name of the Conference, to bring the present explanatory Protocol before the Cabinet of Athens.

(Signed) APPONYI.
LA TOUR D'AUVERGNE.
RUSSELL.
BERNSTORFF.
BRUNNOW.

N^o. 24.

Earl Russell to Mr. Scarlett.

Sir,

Foreign Office, January 28, 1864.

FROM the time when the design of giving up the Ionian Islands to Greece was first entertained, it has always been held that Great Britain could not liberate herself from the Protectorate which was undertaken by her in consequence of solemn international engagements, except through a Treaty with the other Powers by whom that Protectorate was assigned to her. It was also admitted that those Powers who, on special grounds, had conferred the Protectorate on Great Britain, had a right to require that the special interests which it was the object of the Treaty of 1815 to provide for, should not be overlooked in the new arrangement.

The Power most likely to be affected by a change in the state of possession in the Adriatic was Austria ; and in her interest Prussia and Russia both combined to obtain an arrangement which might secure her from the dangers which she apprehended from the transfer of those Islands to Greece.

Austria was very much averse to a change in the existing state of things on several grounds ; she apprehended danger to herself politically from the transfer of those Islands to another State, which she looked upon with a certain degree of suspicion as likely, if not itself influenced by a spirit of political propagandism, to be nevertheless too weak to resist such a spirit ; she dreaded, therefore, the cession to Greece of a stronghold situated at the very threshold of the Austrian maritime frontier. Austria conceived that Corfu, strongly fortified, might become the basis of military operations directed against herself, or against the neighbouring Turkish Provinces, whose tranquillity she desired to secure. She feared to see these Islands transferred to a State too weak to hold them against a strong Power in the event of an European war. She further apprehended that her commercial interests would be prejudiced by the annexation to the Greek Kingdom of the Ionian Islands, in which her navigation enjoyed special privileges, and which being, as regards Greece, an independent territory, admitted of general trade being carried on by Austrian vessels in the ports of the respective States as between foreign countries generally ; whereas, when the Islands were incorporated with the Greek Kingdom, such a trade might be held subject to the restrictions usually imposed on coasting trade.

These were the principal grounds upon which the conduct of Austria in the negotiations which preceded the Treaty of the 14th of November appears to have been influenced, and upon which she was enabled to secure the assistance of Russia and Prussia in obtaining the arrangement which she desired, and which she demanded as the condition of her accession to the Treaty. I have stated in my despatch to Her Majesty's Ambassadors at Paris, Vienna, Berlin, and St. Petersburg of the 11th of November, of which a copy was transmitted to you, that Her Majesty's Government, bearing in mind the welfare of the Ionian Islands and the security of Europe, were ready to accept the conditions of neutrality and demolition of the fortifications of Corfu proposed by Austria.

Accordingly that Treaty could only be concluded at all on the special conditions inserted in it, viz. :—

1. For the destruction of the fortifications in the Ionian Islands.
2. For the neutrality of those islands, to be sanctioned by the Contracting Powers undertaking to observe that neutrality as far as they were themselves concerned, and secured by imposing limitations on Greece in regard to the naval and military force to be maintained therein after their incorporation with the Kingdom ; and
3. For rendering permanent the special commercial privileges enjoyed by Austrian commerce in the Islands.

The British Government had to choose between agreeing to those conditions, not unreasonable in themselves, or postponing, for perhaps a long period, the plan of giving up the protectorate of the Ionian Islands for the purpose of strengthening the Greek Kingdom ; and, however onerous the conditions apparently were, there seemed no doubt that practically they would inflict no great burden or hardship on Greece, none certainly which would not be more than compensated by the great advantage which the kingdom would derive from the augmentation of its territory and resources which would result from the union with the Ionian States.

The British Government, however, being anxious to meet the wishes of the Greek Government to obtain some relaxation of the conditions imposed on the cession of the Islands by the Treaty of November 14, have, since the conclusion of that Treaty, exerted themselves to induce the Austrian Government to consent to some modification of its provisions in the points understood to be the most objected to by the Government of Greece.

It was useless to attempt to prevail on the Austrian Government to agree to the maintenance of the entire fortifications at Corfu. The demolition of those works, as it was insisted upon from the very beginning of the negotiations, and as it was provided for by the Treaty of November 14, was made by Austria a *sine quâ non* condition of her assent to any modification whatever in the other arrangements of that Treaty ; and in this Austria was supported by the Governments of Prussia and Russia.

But this, in her view, material point being secured, Austria was less indisposed to admit of certain modifications in regard to the other two points which she had insisted upon in the negotiations of the Treaty of November.

Accordingly, after much negotiation, Austria has been induced to be content with a stipulation that, instead of the whole of the Ionian Islands being comprised in the neutral zone, the Islands of Corfu and Paxo, with their several dependencies, should alone be declared

neutral ; and she has waived altogether the limitation, contained in the Treaty of November, as to the amount of naval and military force to be hereafter maintained in the Islands.

Considering the territorial position of Austria in regard to the Ionian Islands, and the importance of her interests in the Adriatic, these are great concessions on her part in favour of the wishes of the Greek Government, and it is hopeless to expect that Austria will be brought to agree to any further concession.

Austria has, moreover, consented so to modify the arrangements of November 14th, as to remove any objection which might be urged against them as limiting the future action of the Greek Government, after the expiration of the engagements under which Austrian commerce with the Ionian Islands has been specially favoured.

It may be argued that Great Britain ought to have disregarded the demands of Austria, and dispensed with her accession of the Treaty. But it is scarcely necessary to point out the injury to Greece and the danger to European peace, if Austria had protested against the cession of the Islands, and had declared that she did not consider herself bound by any arrangement, and did not recognize the possession by Greece of the Islands.

With this full information as to the course which has been necessarily followed in the negotiations for the surrender of the British Protectorate of the Ionian Islands, you will, no doubt, be able to satisfy the Greek Government that the British Government has done all that under the circumstances they could do to meet the wishes of Greece in this matter, and to render the union of the Islands as advantageous as possible to the Kingdom of Greece ; and that it is out of the question to expect that any further modification of the arrangements of the Treaty of November, to which Austria could be induced to consent, can now be suggested.

You will be able to show that as Great Britain could not act alone in this matter, but was necessarily bound by her pre-existing engagements with other Powers, the only alternative was to accept the conditions to which those other Powers could be brought to agree, or to renounce for a long time to come the plan for incorporating the Ionian States with the Kingdom of Greece.

The British Government would have shown no real interest in the welfare of the Greek Kingdom, or regard for the wishes of the Ionian States as expressed in the Ionian Assembly, if it had renounced its desire that the Ionian States should be incorporated with the Greek Kingdom, because it could not effect that object without deferring in some respects to the wishes and apprehensions of other Powers, whose consent was indispensable to the attainment of it ; and you will express the confident expectation of Her Majesty's Government that any feelings of disappointment which the Greek Government may at first experience on account of the conditions with which the incorporation with Greece of the Ionian State must be accompanied, will, on calm reflection, give way to the conviction that the benefit which Greece will derive from the addition to the Greek Kingdom of the valuable and important territory and resources which she will now obtain, much more than compensates for any apparent severity in the conditions to which it is made subject.

You will remark also that with regard to the fortifications Great Britain reserved to herself the sole power of judging how far the demolition should be carried into effect. The care which Her Majesty's Government have always shown to protect and defend the interests of the Ionian Islands would always have secured the inhabitants of Corfu from any destruction of the walls, and of the citadel, which might have injured the houses of the inhabitants. The fears expressed by the Greek Government on that head were entirely visionary.

I am, &c.
(Signed) RUSSELL.

No. 25.

Earl Russell to Mr. Scarlett.

Sir,

Received from the Earl of Russell Foreign Office, March 8, 1864.

I UNDERSTAND from Baron Brunnow that he is instructed to require that on the signature of the Treaty between the three Powers and Greece, the Greek Plenipotentiary should make a declaration that King George abides by the condition that his successor shall profess the Greek religion.

Moreover, the honour of Her Majesty's Government is concerned in the immediate signature of the Separate Convention between England and Greece relative to the pensions and compensations to be provided for persons formerly in the employment of the Government of the Ionian Islands.

I have to instruct you to press M. Boulgaris to send immediately authority to M. Tricoupi to comply with these conditions, which alone require to be settled in order that both the Treaty and Convention may be signed.

The other points which have been under discussion have been favourably settled with a view to Greek interests, and it is of the utmost importance for Greece that no delay should occur in the formal conclusion of the several instruments.

I am, &c.
(Signed) RUSSELL.

No. 26.

Mr. Scarlett to Earl Russell.—(Received March 26.)

(Extract.) Athens, March 18, 1864.

THE Government of M. Boulgaris has sent instructions by telegraph to M. Tricoupi to comply with the wish expressed by Baron Brunnow, by declaring the adherence of His Majesty the King of the Hellenes to the condition that his successor should be of the Greek Church.

M. Tricoupi was at the same time instructed to sign the Convention respecting pensions and compensations.

No. 27.

Earl Russell to M. Tricoupi.

Foreign Office, April 9, 1864.

THE Undersigned, &c., has the honour to inform M. Tricoupi, the Plenipotentiary of His Hellenic Majesty, that the Austrian and Prussian Governments signified to the Undersigned their consent to the term of fifteen years fixed in the last paragraph of the IIIrd Article of the Treaty of the 29th ultimo between Great Britain, France, Russia, and Greece, as the term within which new Conventions shall be concluded for the purpose of regulating between the Parties concerned questions of commerce and navigation, and questions relating to the regular service of communication by post.

The Undersigned, &c. (Signed) RUSSELL.

No. 28.

Mr. Scarlett to Earl Russell.—(Received April 19.)

My Lord, Athens, April 8, 1864.

THE Assembly having approved of the Treaties of Cession, the ratifications were signed to-day and M. Zographo, the nephew of M. Jean Soutzo, the late Minister in St. Petersburg, will be the bearer to-morrow of these instruments to London.

I have, &c.
(Signed) P. CAMPBELL SCARLETT.

No. 29.

*Earl Russell to Lord Napier.**

My Lord, Foreign Office, April 25, 1864.

I HAVE to acquaint your Excellency that the ratifications of the Treaty and Convention signed on the 29th ultimo, relative to the union of the Ionian Islands to the Kingdom of Greece, have been exchanged this day.

I am, &c.
(Signed) RUSSELL.

* Similar despatches were addressed to Mr. Scarlett and to Mr. Grey.

No. 30.

Mr. Scarlett to Earl Russell.—(Received April 26.)

My Lord,

Athens, April 15, 1864.

I HAVE the honour to transmit to your Lordship two Decrees of the National Assembly, published to-day in the French newspaper at Athens, "La Grèce," sanctioning the Treaties of Union of the Ionian Islands to Greece, signed in London on the 29th ultimo.

I have, &c.
(Signed) P. CAMPBELL SCARLETT.

Inclosure in No. 30.

Extract from the "Grèce" of April 15, 1864.

LA deuxième Assemblée Nationale des Hellènes à Athènes—

Décète :

Le Traité conclu à Londres, le $\frac{1}{2}$ ⁷/₉ Mars de la présente année, entre la Grèce, d'une part, et l'Angleterre, la France, et la Russie, de l'autre, relativement à la réunion des Iles Ioniennes au Royaume de la Grèce, lequel Traité est composé de dix Articles, dont le texte suit, aura pleine et légitime vigueur.

La deuxième Assemblée Nationale des Hellènes à Athènes—

Décète :

La Convention conclue à Londres, le $\frac{1}{2}$ ⁷/₉ Mars, de l'année courante, entre a Grèce, d'une part, et l'Angleterre de l'autre, relativement aux prétentions de sujets Anglais et d'autres individus pour des services rendus au Gouvernement de l'Etat Ionien pendant le Protectorat de Sa Majesté la Reine de la Grande Bretagne, laquelle Convention est composée de trois Articles, dont le texte suit, aura pleine et légitime vigueur.

(Translation.)

THE second National Assembly of the Hellenes at Athens—

Decrees :

The Treaty concluded in London, the $\frac{1}{2}$ ⁷/₉th of March of the present year, between Greece, on the one part, and England, France, and Russia, on the other, relative to the union of the Ionian Isles to the Kingdom of Greece, which Treaty is composed of ten Articles, of which the following is the text, shall have full and legitimate force.

The second National Assembly of the Hellenes at Athens—

Decrees :

The Convention concluded in London, the $\frac{1}{2}$ ⁷/₉th of March of the current year, between Greece, on the one part, and England, on the other, relative to the claims of English subjects and other persons on account of services rendered to the Government of the Ionian State during the Protectorate of Her Majesty the Queen of Great Britain, which Convention is composed of three Articles, of which the following is the text, will have full and legal force.

No. 31.

*Earl Russell to Sir A. Buchanan.**

Sir,

Foreign Office, April 26, 1864.

I TRANSMIT to your Excellency a copy of the Treaty for the union of the Ionian Islands to the Kingdom of Greece, which was signed at London on the 29th ultimo, between Her Majesty, the Emperor of the French, and the Emperor of Russia, on the one part, and the King of the Hellenes, on the other part, and the ratifications of which were exchanged at this office yesterday.

* A similar despatch was addressed to Lord Bloomfield.

I have to instruct your Excellency to communicate this Treaty to the Prussian Minister for Foreign Affairs, in fulfilment of the engagement contained in Article VII of the Treaty of the 14th of November last. In so doing, you will express the earnest hope of Her Majesty's Government that the Court of Prussia will recognize the King of the Hellenes, and furnish their Representative at Athens with credentials to King George.

I am, &c.
(Signed) RUSSELL.

No. 32.

*Earl Russell to Count Apponyi.**

Foreign Office, April 26, 1864.

IN fulfilment of the engagement contained in the VIIth Article of the Treaty concluded on the 14th of November last, between the Courts of Great Britain, Austria, France, Prussia, and Russia, the Undersigned, &c., has the honour, on the part of Her Majesty's Government, to communicate to his Excellency the Count Apponyi, &c., a copy of the Treaty concluded at London on the 29th of March, 1864, between Her Britannic Majesty, His Majesty the Emperor of the French, and His Majesty the Emperor of all the Russias, on the one part; and His Majesty the King of the Hellenes, on the other part, as to the arrangements rendered necessary in consequence of the union of the Ionian Islands to Greece.

In requesting that the Count Apponyi will have the goodness to transmit to his Court the document in question, the Undersigned takes the opportunity of expressing the earnest hope of Her Majesty's Government that the Court of Austria will recognize the King of the Hellenes, and furnish their Representative at Athens with credentials to King George.

The Undersigned, &c. (Signed) RUSSELL.

No. 33.

Earl Russell to Mr. Scarlett.

Sir,

Foreign Office, April 28, 1864.

THE Treaty for the union of the Ionian Islands with Greece was ratified on the 25th instant.

In congratulating the Greek Government on this event, you will state to the Minister of Foreign Affairs that Her Majesty's Government, in making this voluntary cession of a Protectorate which has been considered by many statesmen of great eminence as a source of strength and power to Great Britain, and which conferred upon her the possession of a commanding fortified position, have had in view the contentment of the people of the Ionian Islands, and the means of giving increased strength and prosperity to the Hellenic Kingdom.

It is the earnest hope of Her Majesty's Government that the sacrifice they have thus spontaneously made may be conducive to those ends.

I am, &c.
(Signed) RUSSELL.

No. 34.

Mr. Murray to Mr. Elliot.

Sir,

Foreign Office, April 28, 1864.

I AM directed by Earl Russell to request that you will state to Mr. Secretary Cardwell that the civil and military authority of Great Britain in the Ionian Islands is to be surrendered to the Greek Government on the 2nd of June, and that the visit of the King of the Hellenes will not take place until after that date.

I am to inclose, for the information of Mr. Cardwell, a copy of a letter to the Admiralty relative to the naval arrangements which Lord Russell thinks desirable to be made with regard to the departure of Sir H. Storks and to the visit of King George.

I am, &c.
(Signed) JAMES MURRAY.

* A similar letter was addressed to Count Bernstorff.

Mr. Murray to the Secretary to the Admiralty.

Sir,

Foreign Office, April 28, 1864.

I AM directed by Earl Russell to request that you will state to the Lords Commissioners of the Admiralty that it has been arranged that the Ionian Islands should be evacuated by the British forces on the 2nd of June, and that it will be desirable that Admiral Smart should at that time proceed to Corfu for the purpose of conveying Sir H. Storks in the flag-ship to Malta, and that Sir H. Storks should be sent by a ship of war from that Island to Marseilles, or to such other port as he may prefer, on his way to **England.**

I am to add that the King of the Hellenes intends to visit the Ionian Islands shortly after the cession has taken place, and that Lord Russell would suggest that Rear-Admiral Yelverton should be instructed to escort His Majesty to Corfu.

I am, &c.

(Signed) JAMES MURRAY.

Correspondence respecting the Annexation of the
Ionian Islands to the Kingdom of Greece.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON :

PRINTED BY HARRISON AND SONS.

TREATY

BETWEEN

HER MAJESTY

AND

THE UNITED STATES OF AMERICA,

FOR

THE SETTLEMENT OF THE CLAIMS OF THE
HUDSON'S BAY AND PUGET'S SOUND
AGRICULTURAL COMPANIES.

Signed at Washington, July 1, 1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

Treaty between Her Majesty and the United States of America,
for the Settlement of the Claims of the Hudson's Bay and
Puget's Sound Agricultural Companies:

Signed at Washington, July 1, 1863.

[Ratifications exchanged at Washington, March 3, 1864.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being desirous to provide for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, specified in Articles III and IV of the Treaty concluded between Great Britain and the United States of America on the 15th of June, 1846, have resolved to conclude a Treaty for this purpose, and have named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Lord Lyons, a Peer of Her United Kingdom, a Knight Grand Cross of Her Most Honourable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America ;

And the President of the United States of America, William H. Seward, Secretary of State ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

Whereas by the IIIrd and IVth Articles of the Treaty concluded at Washington, on the 15th day of June, 1846, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America, it was stipulated and agreed that in the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the first Article of the said Treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, should be respected ; and that the farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, should be confirmed to the said Company ; but that in case the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States' Government should signify a desire to obtain possession of the whole or of any part thereof, the property so required should be transferred to the said Government at a proper valuation, to be agreed upon between the parties :

And whereas it is desirable that all questions between the United States' authorities on the one hand, and the Hudson's Bay and Puget's Sound Agricultural Companies on the other, with respect to the possessory rights and claims of those Companies and of any other British subjects in Oregon and Washington territory, should be settled by the transfer of those rights and claims to the Government of the United States for an adequate money consideration :

It is hereby agreed that Her Britannic Majesty and the United States of America shall, within twelve months after the exchange of the ratifications of the present Treaty, appoint each a Commissioner for the purpose of examining and deciding upon all claims

arising out of the provisions of the above quoted Articles of the Treaty of June 15, 1846.

ARTICLE II.

The Commissioners mentioned in the preceding Article shall, at the earliest convenient period after they shall have been respectively named, meet at the city of Washington, in the District of Columbia, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, all the matters referred to them for their decision; and such declaration shall be entered on the record of their proceedings.

The Commissioners shall then proceed to name an arbitrator or umpire to decide upon any case or cases on which they may differ in opinion. And if they cannot agree in the selection, the said arbitrator or umpire shall be appointed by the King of Italy, whom the two High Contracting Parties shall invite to make such appointment, and whose selection shall be conclusive on both parties. The person so to be chosen shall, before proceeding to act, make and subscribe a solemn declaration, in a form similar to that which shall already have been made and subscribed by the Commissioners, which declaration shall also be entered on the record of the proceedings. In the event of the death, absence, or incapacity of such person, or of his omitting, or declining, or ceasing to act as such arbitrator or umpire, another person shall be named in the manner aforesaid to act in his place or stead, and shall make and subscribe such declaration as aforesaid.

Her Britannic Majesty and the United States of America engage to consider the decision of the two Commissioners conjointly, or of the arbitrator or umpire, as the case may be, as final and conclusive on the matters to be referred to their decision, and forthwith to give full effect to the same.

ARTICLE III.

The Commissioners and the arbitrator or umpire shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such clerk or clerks, or other persons, as they shall find necessary to assist them in the transaction of the business which may come before them.

The salaries of the Commissioners and of the clerk or clerks shall be paid by their respective Governments. The salary of the arbitrator or umpire, and the contingent expenses, shall be defrayed in equal moieties by the two Governments.

ARTICLE IV.

All sums of money which may be awarded by the Commissioners, or by the arbitrator or umpire, on account of any claim, shall be paid by the one Government to the other in two equal annual instalments, whereof the first shall be paid within twelve months after the date of the award, and the second within twenty-four months after the date of the award, without interest, and without any deduction whatever.

ARTICLE V.

The present Treaty shall be ratified, and the mutual exchange of ratifications shall take place in Washington, in twelve months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the 1st day of July, Anno Domini 1863.

(L.S.)	LYONS.
(L.S.)	WILLIAM H. SEWARD.

CHAPTER I

The first part of the book is devoted to a general survey of the subject. It is divided into two main sections, the first of which deals with the history of the subject, and the second with its present state. The first section is divided into three parts, the first of which deals with the history of the subject in general, and the second and third with the history of the subject in particular.

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CHAPTER II

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CHAPTER III

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CHAPTER IV

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UNITED STATES.

Treaty between Her Majesty and the United States of America, for the Settlement of the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies.

Signed at Washington, July 1, 1863.

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

LONDON:

PRINTED BY HARRISON AND SONS.

87
IONIAN ISLANDS.

RETURN to an Address of the Honourable The House of Commons,
dated 19 February 1863;—for,

“COPY of or EXTRACTS from any CORRESPONDENCE which may have taken place between the Commander of the Forces during the Occupation of the Island of *Sicily* by the British Forces and the Home Government, relative to the ATTACK which led to the CAPTURE and subsequent OCCUPATION of the IONIAN ISLANDS.”

War Office,
10 February 1863. }

HARTINGTON.

(*Sir Frederic Smith.*)

Ordered, by The House of Commons, to be Printed,
15 February 1864.

LIST OF DOCUMENTS.

No. in this Correspondence and Date.			From	To	Official Number.	No. of Enclo- sure.	SUBJECT.	Page.
1	2 Aug.	1809	Sir John Stuart	Visct. Castlereagh	-	-	Forwards Lord Collingwood's suggestion for an attack on Zante.	3
2	26 Sept.	"	Sir John Stuart	Visct. Castlereagh	-	-	Reporting detachment of a force under Brig.-Gen. Oswald to the Ionian Islands.	3
3	20 Oct.	"	Sir John Stuart	Visct. Castlereagh	-	-	Reporting capture of Zante, Cephalonia, Ithaca, and Cerigo.	4
3	"	"	Brig. Gen. Oswald	Sir John Stuart	-	1	Reporting capture of Zante - - -	4
2	"	"	-	-	-	2	Capitulation of Zante - - -	4
2	"	"	-	-	-	3	Return of French troops who capitulated at Zante.	5
2	"	"	-	-	-	4	Return of guns, &c., captured at Zante	5
5	"	"	Brig. Gen. Oswald	Sir John Stuart	-	5	Reporting capture of Cephalonia - - -	6
5	"	"	-	-	-	7	Articles of capitulation for Cephalonia - -	6
5	"	"	-	-	-	6	Return of French troops who surrendered in Cephalonia.	7
7	"	"	-	-	-	8	Return of Ordnance, &c., captured in Cephalonia.	7
12	"	"	Brig. Gen. Oswald	Sir John Stuart	-	9	Reporting capture of Ithaca - - -	7
8	"	"	Capt. R. Church	Brig. Gen. Oswald	-	10	- ditto - - ditto - - -	8
8	"	"	-	-	-	11	Return of French troops and ordnance captured at Ithaca.	8
16	"	"	Brig. Gen. Oswald	Sir John Stuart	-	12	Reporting capture of Cerigo - - -	8
12	"	"	-	-	-	13	Articles of capitulation for Cerigo - - -	9
12	"	"	-	-	-	14	State of the French garrison surrendered at Cerigo.	9
12	"	"	-	-	-	15	Return of ordnance stores, &c., surrendered at Cerigo.	10
4	29 Nov.	"	Lord Liverpool	Sir John Stuart	-	-	In reply to No. 2 - - -	11
5	30 Dec.	"	Lord Liverpool	Sir John Stuart	-	-	In reply to No. 3 - - -	11
6	24 April	1810	Sir John Stuart	Earl of Liverpool	-	-	Reporting partial capture of Sta. Maura	12
6	24 Mar.	"	Brig. Gen. Oswald	Sir John Stuart	-	1	- ditto - - ditto - - -	13
-	-	-	-	-	-	2	Disembarkation Return of British troops at Sta. Maura.	14
6	24 Mar.	1810	-	-	-	3	Return of British killed and wounded at Sta. Maura.	15
7	25 "	"	-	-	-	4	Return of ordnance, &c., captured - - -	15
7	26 April	"	Sir John Stuart	Earl of Liverpool	-	-	Reporting complete reduction of Sta. Maura	16
17	"	"	Brig. Gen. Oswald	Sir John Stuart	-	1	- ditto - - ditto - - -	17
16	"	"	-	-	-	2	Articles of capitulation - - -	18
-	-	-	-	-	-	3	Return of French garrison surrendered - -	19
17	April	1810	-	-	-	4	" stores taken - - -	20
17	"	"	-	-	-	5	" ordnance, ammunition, &c. - - -	20
20	"	"	-	-	-	6	" commissariat stores, &c. - - -	21
-	-	-	-	-	-	7	" killed and wounded - - -	21
8	23 Feb.	1811	Lord Liverpool	Sir John Stuart	23	-	As to the blockade of Corfu - - -	21
9	2 Mar.	"	Sir John Stuart	Earl of Liverpool	-	-	Referring Lord Liverpool to Brig.-Gen. Oswald for information.	22
10	9 Oct.	1812	Earl Bathurst	Visct. Castlereagh	-	-	As to the Government of the Ionian Islands -	22
11	14 "	"	Earl Bathurst	Lord W. Bentinck	30	-	As to the "Mediterranean Pass" for Ionian Islands: as to a permanent Government for the Islands.	22
7	"	"	Mr. Barrow	Mr. Goulburn	-	1	Admiralty cannot issue Mediterranean Pass except to British subjects.	23
21	"	"	Mr. Cooke	Mr. Goulburn	-	2	Communicating the reply to Count Foscardi	23
22	"	"	Visct. Castlereagh	Count Foscardi	-	3	Declining to accept the Ionians as British subjects.	23
12	23 Jan.	1813	Lord W. Bentinck	Earl Bathurst	7	-	As to levies from the Ionian Islands and coasts adjacent.	23
3	"	"	Major Oswald	Lord W. Bentinck	-	1	As to forming a 2d battalion of Greek Light Infantry.	24
8	"	"	Secretary to Lord W. Bentinck.	Major Oswald	-	2	- ditto - - ditto - - -	25
-	-	-	Captains Candiotto and Mauromiculi.	-	-	3	Offering to raise Greek troops. [In Italian.]	25
13	9 June	1813	Lord W. Bentinck	Earl Bathurst	32	-	Has reduced the garrison in the Ionian Islands to 2,000 men.	25
14	6 April	1814	Lord W. Bentinck	Earl Bathurst	11	-	Reporting the occupation of Paxo - - -	25
12	March	"	Lieut.-Gen. Campbell	Lord W. Bentinck	-	1	- ditto - - ditto - - -	26
15	Feb.	"	Lieut.-Col. Church	Lieut.-Gen. Campbell	-	2	- ditto - - ditto - - -	26
14	"	"	Le Capt. Roy	Lieut.-Col. Church	-	3	Defying the British force - - -	26
15	27 April	"	Visct. Castlereagh	General Campbell	-	-	Directing him to take possession of the Island of Corfu.	27
16	22 May	"	Lord W. Bentinck	Earl Bathurst	21	-	Has made arrangements to reinforce Lieut.-Gen. Campbell, to enable him to take possession of Corfu.	27
17	5 July	"	Lord W. Bentinck	Earl Bathurst	29	-	Reporting the occupation of Corfu - - -	27
24	June	"	Lieut. Gen. Campbell	Lord W. Bentinck	-	1	- ditto - - ditto - - -	28
17	"	"	-	-	-	2	Proclamation to the inhabitants of Corfu, on taking possession. [In Italian.]	28

RETURN relative to the OCCUPATION of the IONIAN ISLANDS by the
BRITISH FORCES.

— No. 1. —

EXTRACT of a LETTER from Lieutenant-General Sir *John Stuart*, K.B., to the Right Honourable Viscount *Castlereagh*, dated Milazzo, August 2, 1809.

THE service recommended by Lord *Collingwood* against Zante and Cephalonia, I shall be ready to concur in with his lordship whenever my nearer objects will allow me to spare troops for the purpose.

— No. 2. —

COPY of a DESPATCH from Lieutenant-General Sir *John Stuart*, K.B., to the Right Honourable Viscount *Castlereagh*, dated Messina, September 26, 1809.

My Lord,

I HAD the honour to inform your lordship, in my communication of former date, that an expedition had been suggested to me by Lord *Collingwood* for the object of dispossessing the French of the Islands of Cephalonia and Zante, where the inhabitants were said to be extremely desirous of our assistance.

This enterprise was suspended by me for a moment in consequence of the existing armistice, which, in the final result of peace between France and Austria, might lead to a different call for the application of the force under my orders.

Lord *Collingwood*, however, having continued in his correspondence still to recommend the measure, I have felt a satisfaction in co-operating therein to the utmost of my power, and have accordingly detached about 1,700 men, under the command of Brigadier General *Oswald*, to execute the projected service.

The above allotment exceeds by one-half the force which Lord *Collingwood* suggested to me as necessary for the concerted object, but I was anxious that no failure should occur from the disproportion of means on my part for the meditated purpose.

The naval force co-operating in this service consists of a line-of-battle ship, a frigate, and a sloop of war, under the conduct of Captain *Spranger*, of Her Majesty's ship the "*Warrior*."

As soon as the above expedition was decided upon, I wrote to Mr. *Foresti* (His Majesty's late Minister at the Government of the Seven Islands, who had been for some time past at Malta) to inform him of its destination; and I have since heard from Sir *Alexander Ball* that he was preparing to sail immediately in the "*Spartan*" frigate to meet it.

The local knowledge as well as political experience of this gentleman in the above islands, must render him capable of being extremely useful to the military and naval commanders employed on this service.

In acquainting your lordship with the above detachment of force from this army, I hope I shall not be considered out of place in venturing to call your attention to the proportionate reduction which it operates upon the means in my hands for other applications of service; the total force, including every arm and description now remaining under my command in Sicily (in which sick and many other non-effectives are comprehended), are something more on the returns than 14,000 rank and file.

I have, &c.

— No. 3. —

COPY of a LETTER from Lieutenant General Sir *John Stuart*, K.B., to the Right Honourable Lord *Castlereagh*, dated Messina, 20 October 1809.

My Lord,

A DESPATCH which I had the honour to address to your lordship on the 26th ulto., apprised you of the representations that had been made to Vice Admiral Lord Collingwood and to myself of the solicitude of the inhabitants of Zante, Cephalonia, and other dependencies of the Ionian Government, to receive the assistance of a British force.

The consequent equipment of an expedition under Brigadier General Oswald to act co-operatively with a squadron under Captain Spranger, of His Majesty's ship "Warrior," was at the same time detailed to your lordship, and stated to have sailed in the prosecution of this object on the 23d of last month from Messina.

The reports with which Captain Oswald of the 35th Regiment yesterday arrived from Zante, and which I have now the satisfaction of transmitting to your lordship, will mark the able manner in which this service has been carried into effect by the officers by whom it was conducted. * * *

I have, &c.

Enclosure 1, in No. 3.

COPY of a LETTER from Brigadier General *Oswald* to Lieutenant General Sir *John Stuart*, K.B., dated Bay of Zante, 3 October 1809.

Sir,

IN consequence of your Excellency's communication to Rear-Admiral Sir Alexander Ball at Malta, we were fortunate enough to find the "Spartan" frigate off the islands, having on board Mr. Foresti, His Majesty's Minister to the Septinsular Republic. Considerations arising from the advance in the season, and the precarious state of the weather, induced Captain Spranger to point out Zante as the primary object of attack.

Having from Mr. Foresti obtained the most ample and correct information respecting that island, the expedition stood in and came to an anchor in its roadstead towards the close of the day on the 1st of October. Captain Spranger and myself were equally desirous to avoid involving the inhabitants in the misfortunes which a direct attack upon the town must have occasioned.

It was therefore determined that early on the day following, the troops should be landed at a convenient bay three miles distant, protected by the frigates and gun-boats.

The first division of the troops (as per margin) under the immediate order of Lieutenant Colonel Lowe, effected a most regular debarkation at the point proposed, and in two columns proceeded immediately towards a position turning the defences of the town, and cutting off its communication with the castle.

Lieutenant Colonel Lowe led his column to the left, clearing an eminence upon which the enemy was said to be posted, and by this movement a detached battery was turned, some prisoners made, and a more direct intercourse with the shipping established.

The corps which I accompanied marched by a valley till it ascended the height contiguous to the castle, which the light troops pushed forward to invest.

Upon our approach the enemy had quitted the town, retreating upon the naturally strong, but most unaccountably neglected fortress, endeavouring to carry with him two six-inch howitzers which the rapid advance of our flankers forced him to abandon.

The accompanying terms were then proffered, and after some hesitation on the part of the French commandant, by him agreed to that evening. * * *

I have, &c.

Enclosure 2, in No. 3.

ARTICLES of Capitulation agreed upon between Lieutenant Colonel *Lowe*, on the part of Brigadier General *Oswald*, commanding a division of His Britannic Majesty's Forces, and Captain *Spranger*, commanding a squadron of His Majesty's vessels employed in the liberation of the Island of Zante, and Lieutenant Colonel *Manourier*, commanding the French garrison in the castle of the said island. 2 October 1809.

Article 1. The French garrison will march out with the honours of war, and be considered as prisoners of war, to be exchanged whenever circumstances will permit.

Article 2.

Royal Artillery, 2 4-pounder mountain guns; Light Infantry, 35th Regt.; 2 Companies R. C. Rangers; Grs., and 2 Companies 35th Regt.; 2 Companies 44th Regt. — amounting to 600 men.

Article 2. The officers will retain their swords and private property, the men their packs.

Article 3. All public property appertaining in any way to the French Government will be delivered up to officers charged to receive it. This includes all plans and official papers of the Artillery and Engineers' Department.

Article 4. The persons in civil employment of the French Government will be considered on the same footing as the military.

Article 5. The sick left by the French garrison will be taken care of by a medical officer to be left by them for that object.

Article 6. The upper part of the castle will be occupied forthwith by a detachment of British troops. The French garrison will march out at nine o'clock, and, after having laid down their arms, be conducted to the mole fort, where they will remain until embarked.

(signed) *Hudson Lowe*, Lieutenant Colonel Commandant.
Manourier, Lieutenant Colonel.
R. Church, Captain, Assistant Quartermaster General.

Approved.
 (signed) *J. Oswald*,
 Brigadier General, Commanding Division.
J. W. Spranger,
 Captain H. M. S. "Warrior," and Senior Naval Officer.

Enclosure 3, in No. 3.

STATE of the Troops of the Garrison at Zante who retired to the Fort, and surrendered Prisoners of War, on the 2d of October 1809.

	CAPTAINS.	LIEU- TENANTS.	RANK AND FILE.
4th Regiment Italian - -	1	-	76
Artillery of the Island - -	-	1	18
Albanians - - -	-	8	200
	1	9	294

STAFF.

1 Lieut.-Colonel.	1 Lieutenant.
1 Major de Place.	1 Capitaine de Port.
1 Adjutant.	1 Lieut. de Marine.
1 Secretary.	

About 200 Albanians who did not retire to the castle are dispersed about the country.

(signed) *E. Wynyard*,
 Assistant Adjutant General.

Enclosure 4, in No. 3.

INVENTORY of Guns mounted in the different Batteries in the Town of Zante,
 2 October 1809.

One 26-pounder, foreign iron.	One 18-pounder, foreign iron.
One 24-pounder, English iron.	Four 15-pounders, foreign iron.
Two 24-pounders, foreign iron.	One 8-pounder, foreign iron.
Two 21-pounders, foreign iron.	Three 4-pounders, foreign iron.
Total - - -	Fifteen.

17 piles of shot of different sizes.

6 small guns belonging to the privateer on the wharf.

10 small guns in the battery, and a furnace for heating shot.

2 6-inch howitzers.

N. B.—Several other guns in different batteries which have not been taken an account of.

(signed) *Chas. Gilmain*, Captain,
 Royal Artillery.

Enclosure 5, in No. 3.

COPY of a LETTER from Brigadier General *J. Oswald* to Lieutenant General
Sir *J. Stuart*, K. B., dated Cephalonia, 5 October 1809.

Sir,

IN my letter to your Excellency of the 3d instant, I had the honour to report that the expedition was preparing immediately to proceed for Cephalonia; and I have now the pleasure to acquaint you with the islands being actually in our possession.

The disposition made by Captain Spranger of the formidable force under his orders, rendered vain the feeble efforts of the enemy to oppose our entrance into its capacious and secure harbour. Before the ships came to an anchor, a flag announced the submission of the town of Argostoli, and the retreat of the garrison to the Castle of St. George, about six miles distant from thence.

A division of troops under Lieutenant-Colonel Lowe landed to preserve tranquillity, and an officer proceeded to summon the castle, which capitulated upon the accompanying terms.

* * * * *

Until your Excellency's pleasure is made known, I have nominated Lieutenant-Colonel Lowe to the important duty of commanding this island, certain that so delicate a trust could not be reposed in more able hands.

As soon as the necessary arrangements are completed, and the submission of the dependent island of Ithaca received, Captain Spranger and myself intend proceeding to superintend the operations carrying on against Cerigo, a station from whence of late the enemy's privateers have caused considerable injury to our commerce.

I have, &c.

Enclosure 6, in No. 3.

ARTICLES of Capitulation agreed upon between Major *C. W. Clarke*, on the part of Brigadier General *J. Oswald* and Captain *J. W. Spranger*, commanding the Land and Sea Forces employed in the liberation of the Ionian Islands, and Monsieur *Lorenzo Pieri*, Chef de Battalion, and commanding the French troops in the Island of Cephalonia, for the surrender of the Castle of St. Giorgio. 5 October 1809.

Article 1. Monsieur Lorenzo Pieri, on the part of the garrison of the Castle of St. Giorgio, demands that the officers of the staff, those of the line, and the garrison be permitted to retire from the castle as soon as the term of the capitulation shall be agreed upon, and shall be conveyed with arms and baggage to Corfu.

Answer.—Refused.

The garrison will be permitted to march out of the castle with the honours of war, and remain prisoners until an opportunity offers of exchanging them.

2. Their property, strictly private, should be respected. All property belonging to Government, whether stores, plans, charts, or of any other description, are to be delivered up to the British, and the French Commandant will appoint officers particularly to render an account of the same, whether in the castle, town, or on board the shipping.

3. The sick of the garrison shall be taken care of, the French leaving medical assistance in charge of them.

4. The castle will be occupied by British troops as soon as the foregoing articles are agreed to, and the garrison will march out at such time as the British commanders shall appoint, depositing their arms previous to the embarkation. The officers are permitted to retain their arms.

(signed) *C. W. Clarke*, Major.
Lorenzo Pieri, Capo. Batte.

The foregoing terms, as granted to the garrison of the Castle of St. Giorgio, are demanded for and granted to the garrison of the Castle of Asso and of the town of Lixuori.

(signed) *C. Wm. Clarke*, Major.
Lorenzo Pieri, Capo. Batte.

Approved.

(signed) *J. Oswald*,
Brigadier General, Commanding Division.

J. W. Spranger,
Captain of H. M. S. "Warrior," and Senior Naval Officer.

Enclosure 7, in No. 3.

RETURN of the Troops in the Island of Cephalonia who surrendered Prisoners of War
on 5th October 1809.

STATIONS.	Italian Regiment.		Albanian.		TOTAL.
	Officers.	Rank and File.	Officers.	Rank and File.	
Fort St. George - - -	1	43	5	65	108
Lixuri - - - - -	-	5	2	52	57
Asso - - - - -	-	-	1	28	28
	1	48	8	145	193

STAFF.

Commandant.
3 Majors de Place.

Captain of Artillery.
Commander of ditto, Sept. Insulaire.

(signed) *E. Wynyard, A. A. G.*

Enclosure 8, in No. 3.

RETURN of the Ordnance, Ammunition and Stores found in the different Batteries
at Cephalonia, 7 October 1809.

Iron ordnance -	33-pounders	-	-	-	-	1, old.
	26 ditto	-	-	-	-	1, old.
	24 ditto	-	-	-	-	2, one dismounted.
	15 ditto	-	-	-	-	3, two dismounted.
	12 ditto	-	-	-	-	1, dismounted.
	Unserviceable, of different natures, 7.					
Brass ditto -	7-pounders	-	-	-	-	2, mounted on field carriages.
	6-inch howitzers	-	-	-	-	1, dismounted.
	Patereroes	-	-	-	-	2.
Barrels of powder	-	-	-	-	-	11½
Cartridges of different natures for the above ordnance	-	-	-	-	-	38
Round shot of ditto - ditto	-	-	-	-	-	511
Case shot for 7 pounders	-	-	-	-	-	36
Ball cartridges for Albanians	-	-	-	-	-	5,000
Hand grenades	-	-	-	-	-	100
Pigs of lead	-	-	-	-	-	29

(signed) *J. Williamson,*
Captain of Artillery.

Enclosure 9, in No. 3.

COPY of a LETTER from Brigadier-General *J. Oswald* to Lieutenant-General
Sir J. Stuart, K.B., dated Cephalonia, H. M. S. "Warrior," 12 October 1809.

Sir,

I HAVE the honour to transmit to your Excellency the accompanying report upon the capture of the island of Ithaca.

The enterprise was entrusted to Captain Crawley, of H. M. S. "Philomel," and to Captain Church, with detachments from the 35th and Royal Corsican Rangers. The manner it has been effected will, I have no doubt, appear to your Excellency creditable to those officers, and to the forces under their orders.

I have, &c.

Enclosure 10, in No. 3.

COPY of a REPORT from Captain *R. Church* to Brigadier-General *J. Oswald*, dated Vathi, capital of the Island of Ithaca, 8 October 1809.

Sir,

I HAVE the honour to inform you that the island of Ithaca was this day surrendered to the detachment of British troops under my command, and in concert with H. M. S. "Philomel."

Finding the enemy's batteries commanded the harbour in such a manner as to render ineffectual the fire from the ship, I immediately landed the troops and marines, accompanied by a division of seamen under the direction of Captain Crawley; I marched without loss of time to the enemy's principal fort (situated on an eminence), with the determination to take it by assault. Our intention was, however, frustrated by the unconditional surrender of the French commandant and his garrison.

During our march, the enemy was held in check by the fire of a gun-boat detached by Captain Crawley for that purpose.

The garrison, consisting of near eighty men, have been made prisoners of war, with the exception of a few Albanians, who escaped to the mountains, but who must inevitably fall into our hands.

It is impossible that I can express the obligations that I am under to Captain Crawley for the very handsome manner in which he gave every assistance in his power to insure the success of the enterprise. To Mr. Foresti, H. M.'s Minister to the Seven Islands, I beg also to offer my sincere acknowledgments for the great services he rendered to me on this occasion, and I feel it my duty to report the uniform good conduct of the officers and men of the 35th Regiment, Royal Corsican Rangers, and Royal Marines composing the detachment I had the honour to command.

* * * * *

I have, &c.

Enclosure 11, in No. 3.

RETURN of Prisoners and Ordnance taken in the Island of Ithaca, 8 October 1809.

	OFFICERS.	RANK and FILE.
2d Italian Regiment - - - - -	3	23
Albanians . - - - - -	4	46
Total - - -	7	69

1 Major de Place.

Ordnance.

Iron - - -	{	6-pounders - - - - -	2, mounted.
		ditto - - - - -	2, ready to mount.
		9 ditto - - - - -	2, dismounted.
		4 ditto - - - - -	4 ditto.
		3 ditto - - - - -	3 ditto.

Total - - - 13

(signed) *R. Church,*
A. Q. M. G.

Enclosure 12, in No. 3.

COPY of a LETTER from Brigadier-General *J. Oswald* to Lieutenant-General Sir *J. Stuart*, K.B., dated Zante, on board H. M. S. "Warrior," 16 October 1809.

Sir,

THE "Spartan" frigate, having on board a detachment of Royal Artillery with light guns, and two companies of the 35th Regiment, under the orders of Major Clarke of that corps, sailed from Cephalonia on the 6th inst., instructed to proceed off Cerigo, block up its port, and, if circumstances warranted, to make an immediate attack upon the island. It was Captain Spranger's intention and my own to have followed with considerable reinforcements, but a continuance of adverse gales prevented our getting further than this bay, where a tender from Captain Brenton has just reached us, conveying despatches, of which

which the accompanying are copies, announcing the surrender of Cerigo to the previously detached force. Major Clarke goes fully into the details of the military operations; they characterise an ardent spirit of enterprise, and he seems to have been perfectly seconded by the officers and men under his orders, surmounting difficulties greater than I apprehended he had the means of overcoming.

The enterprise which your Excellency confided to me being thus happily accomplished, it only remains for me to testify my fullest approbation of the conduct of the troops: a discipline has been maintained that did honour to the soldier, and reflected the utmost credit upon the commanding and subordinate officers.

I am under the greatest obligations to the officers of the staff of my command; they have been most assiduous in the discharge of their respective duties.

I must recur in the warmest terms of acknowledgment to the never-ceasing aid received from Captain Spranger; it was my good fortune to act with an officer, who, while our views and objects were the same, cordially united in the means of attaining them. A similar harmony and good correspondence has reigned through every branch of the two services.

Our success was accelerated, and our subsequent political arrangements facilitated, by the personal exertions and judicious counsels of Mr. Foresti, His Majesty's Minister to the Septinsular Republic, and we greatly profited in being accompanied by a gentleman so loved and esteemed by the inhabitants of these isles. Mr. Foresti's distinguished merits have received the commendations of the most illustrious of our countrymen;—to add my humble tribute would be presumptuous, were it not called for by feelings of gratitude and respect towards so worthy a servant of our Sovereign.

I will now proceed to place the islands in a posture of defence sufficient to afford probable security, and I am led to believe it may be accomplished without causing any expense to His Majesty's Government.

I have, &c.

Enclosure 13, in No. 3.

COPY of ARTICLES of CAPITULATION concluded between *Jahleel Brenton*, Esq., Captain of His Majesty's ship "Spartan," Major *William Clarke*, of His Majesty's 35th Regiment, Commanders of the English Land and Sea Forces on the Island of Cerigo, and Mr. *Martin Mitrano Lisco*, Commanding the Castle of Cerigo.

1. The garrison will march out with the honours of war, and deposit their arms at the gate, remaining prisoners of war till an opportunity offers for exchanging them. Officers are permitted to retain their swords, and the troops their private baggage.

2. All personal property will be respected.

3. All property belonging to the French Government, whether in the castle or in any other part of the island, shall be delivered up to the English.

As soon as the foregoing Articles shall have been signed on both sides, the castle shall be occupied by the British troops.

Given under our hands in the Island of Cerigo, this 12th day of October 1809,

(signed) *Jahl. Brenton.*
C. W. Clarke.

Enclosure 14, in No. 3.

STATE of the FRENCH GARRISON in the Island of Cerigo, taken 12 October 1809.

OFFICERS.

Mr. Lisco, Commandant.	Mr. Ivanasky, Russian Officer.
Mr. Cacaroto, Town Adjutant.	Mr. Martin, Inspector of Marine.
Mr. Venturini, Officer of Artillery.	Two Albanian Officers.

Total Number of Officers, 7.

		NON-COM-MISSIONED OFFICERS.	PRIVATES.
Detachment of Russians	- -	2	38
Do. Septinsulaire	- -	3	17
Do. Albanians	- -	3	22
Do. Artillery	- -	1	6
		9	83

		NON-COMMISSIONED			
		OFFICERS.	OFFICERS.	PRIVATES.	
Grand Total	- - -	7	9	- - -	83

Enclosure 15, in No. 3.

COPY of RETURN of ORDNANCE STORES and AMMUNITION taken the 12th October 1809.—Island of Cerigo.

Where found.	Description of Ammunition and Stores.	No.	Remarks.	Rammers.	Hand Spikes.	Round Shot.	Case Shot.
Fort of Cerigo - (Mounted on the Works.)	14-pounders - - - -	4	Foreign -	4	12	45	16
	18 " - - - -	1	"	1	3	15	-
	15 " - - - -	1	"	1	4	30	5
	9 " - - - -	2	} English -	2	6	38	10
	9 " - - - -	1					
	6 " - - - -	4	Foreign -	2	5	-	10
Magazine -	2 " - - - -	2	"	-	-	-	-
	Barrels of powder - - -	38					
	Loaded shells in barrels -	2½					
	Balls of cartridge canvas -	4					
	Bundle of canvas cartridge bags	1					
	Quires of cartridge paper -	27					
Store Room -	Barrels of powder - - -	½					
	Musket balls - - - -	600					
	Pigs of lead - - - -	19					
	Pigs of iron - - - -	1					
	18-pounder carriages - - -	14					
	18-pounder grape-shot - -	6					
	9-pounder case-shot - - -	44					
	Piles of small shells - - -	4					
	Musket cartridges - - - -	700					
	Serviceable muskets - - -	70					
	Unserviceable ditto - - -	97					
	Albanian ditto - - - -	7					
	Pistol - - - -	1					
	Pouches - - - -	64					
	Ditto - - - -	12					
	Sidebelts - - - -	40					
	Swords - - - -	56					
	Ditto - - - -	16					
	Copper ladles - - - -	1					
	Rammers - - - -	2					
	Halberts - - - -	2					
	Spare trucks - - - -	9					

Where found.	Description of Ammunition and Stores.	No.	Remarks.
Store Room - - - -	Copper drums - - - -	2	
	Lead aprons - - - -	5	
	Tin primers - - - -	7	
	Quantities of matches.		
Forte St. Nicolo - - - -	24-pounders - - - -	1	Foreign.
	9-pounders - - - -	5	"
	9-pounders - - - -	2	English.
	Carronade - - - -	1	"
	Swivels - - - -	1	Foreign.
	Muskets - - - -	6	"
	Bayonets - - - -	6	"
	Pouches - - - -	6	"
	9-pounder cartridges - - -	8	"
	24-pounder ditto - - - -	1	"
	Powder-horns - - - -	3	"
	A few side-arms.		
	Piles of round shot - - -	21	"
Fort Giaschini - - - -	Paper cartridges, filled with stones	18	"
	9-pounders - - - -	2	English.
	18-pounders - - - -	2	Venetian.
On the Beach, dismantled -	6-pounders - - - -	9	"
	18-pounders - - - -	1	"

(signed) C. W. Clarke,
Major, 35th Regiment.

— No. 4. —

COPY of a LETTER from Lord *Liverpool* to Lieutenant General Sir *John Stuart*, K.B., dated Downing-street, 29 November 1809.

Sir,

YOUR letters to Lord Viscount Castlereagh have been received and laid before the King, in which you inform his Lordship that, in consequence of the suggestions of Lord Collingwood, you had detached a force of 1,700 men, under the command of Brigadier-General Oswald, for the purpose of dispossessing the French of the islands of Cephalonia and Zante.

If the permanent or temporary occupation of those or of any other of the islands in that part of the Mediterranean would tend materially to the security of Sicily, without the necessity of increasing the British military force at this time in that sea, the expedition might, upon that ground, be judged expedient. But when it is considered how large a part of the disposable force of the British Army is already in the Mediterranean; that, besides the garrison of Malta, the number of men actually under your command (including this detachment) consists of more than 16,000 rank and file, although His Majesty is only bound by the engagements subsisting between him and the King of Sicily to keep a force of 10,000 men in that island; as the exigencies of His Majesty's service in other quarters may render it therefore more probable that it may be necessary that the force now in Sicily should be reduced than that it should be augmented, I cannot too strongly recommend to you, in any suggestions that may occur respecting offensive operations of the description stated in your Despatch, not to calculate upon any augmentation of force from home, but to govern yourself chiefly by the consideration in what way the force already under your command can be best appropriated for the security of Sicily; whether this object can be most effectually attained by concentrating the whole of the British force, or whether it may be more advantageous, with a view to the security of Sicily, in some degree to reduce the force in that island for the purpose of occupying other stations which may operate as advanced posts with regard to it, and may render thereby any attack upon it less likely to prove successful.

In addition to what I have already said, and as a further reason why the force under your command should only be directed to objects of essential importance, I think it necessary to remind you of the discretion which was given to you in Lord Castlereagh's despatches of the 14th October and 1st and 4th November 1808, respecting a diversion on the coast of Spain, in the event of circumstances rendering such a diversion expedient, and it being possible to undertake it consistently with the security of Sicily.

I have, &c.

— No. 5. —

EXTRACT from a DESPATCH of the Earl of *Liverpool* to Lieutenant General Sir *John Stuart*, K.B., dated Downing-street, 30 December 1809.

I HAVE much satisfaction in conveying to you His Majesty's most gracious approbation of the ability with which Brigadier-General Oswald appears to have executed the service intrusted to him by the rapid reduction of the enemy's posts in Zante, Cephalonia, Cerigo, and Ithaca. His Majesty has also derived pleasure from the Brigadier-General's report of the good conduct of the officers and men employed under his command, as well as of the cordiality that subsisted between his military and naval forces.

My Despatch of the 29th ultimo will have conveyed to you the sentiments of His Majesty's Government upon the general question of expeditions from Sicily, with a view to the permanent occupation of other points in the Mediterranean,

and will have pointed out to you the necessity of being economical in the appropriation of the forces placed under your command, as under the present circumstances of the war, it is improbable that further reinforcements could be afforded from home to the Mediterranean army.

Yourself and the Commander in Chief of His Majesty's Naval Forces in those seas will be best able from your local knowledge, and from your observation of circumstances as they may arise, to appreciate justly the relative importance of the islands of which possession has been taken as to the force necessary for their preservation, and how far the state of affairs may enable you to spare such a force from the army in Sicily; and you will not fail to bear in mind the superior importance of the latter island, and in all arrangements and appropriation of your troops, consider the security of Sicily and Malta as the primary objects.

— No. 6. —

COPY of a LETTER from Lieutenant General Sir *J. Stuart*, K.B., to the Right Honourable the Earl of *Liverpool*, dated Messina, 24 April 1810.

My Lord,

I SOME time since received an intimation from Brigadier-General Oswald, commanding in the Ionian Islands, that for the greater security of the points already occupied, as well as with a view to ulterior objects in that quarter, he was meditating, in concert with the senior officer of His Majesty's Naval Forces on that station, an enterprise upon the island of Santa Maura, a post of considerable strength, and which from its contiguity to and relations with the adjacent continent of Greece rendered the dislodgement of the enemy an object of political import.

A subsequent communication from the Brigadier-General, received on the 30th ultimo, advised me of his having already commenced the service proposed, by a landing upon the island with about 2,000 men under his orders; of his having carried the advanced works of the enemy by assault, and driven the French General with his entire force into the fortress—the unexpected strength of which, however, appeared to him to afford such means of protracted resistance as urged him to solicit from me reinforcements both of men and stores to enable him to press his object.

Although many reasons presented themselves to disincline me to the further reduction of the British force stationed in Sicily, yet under my full confidence in the judgment as well as zeal which has prompted General Oswald to the enterprise which he had undertaken, I did not hesitate to comply with his request; and in the course of the following day six flank companies of the foreign regiments belonging to this army, together with a detachment of artillery and a

Royal Artillery - - - -	40
Four Companies of Light Infantry -	386
Rolls' Grenadiers - - - -	135
Chasseurs British ditto - - - -	84
	645

ORDNANCE.

24-pounders - - - -	4
10-inch mortars - - - -	4
8-inch ditto - - - -	2
8-inch howitzers - - - -	2
with a full proportion of shot, shell, ammunition, entrenching tools, &c.	

supply of ordnance stores (as detailed in the margin), were embarked, and sailed for his support, under the command of Lieutenant Colonel Fisher, of Watteville's, and I have the satisfaction of learning that on the 7th instant they reached their destination.

I am now fortunately enabled to transmit to your Lordship a more detailed report, which I have received from Brigadier General Oswald, of his proceedings up to the 24th ultimo; and I hope the circumstances which he has stated—the happy union which marks the co-operation of the two services, and the gallantry which has already characterised the progress of the enterprise—will be graciously received by His Majesty as an augur of its successful issue.

I have, &c.

Enclosure 1, in No. 6.

COPY of a LETTER from Brigadier General *J. Oswald*, Commanding Troops, Ionian Islands, to Lieutenant General Sir *John Stuart*, dated Head Quarters, Camp before St Maura, 24 March 1810.

Sir,

I HAVE the honour to report to your Excellency that the troops, with the naval forces under the order of Captain Eyre, His Majesty's ship "*Magnificent*," as per margin,* sailed from Zante on the morning of the 21st, and reached the island of St. Maura the same evening. Early the next day the army disembarked to the southward of the town, the enemy retiring from the batteries on the approach of His Majesty's sloop "*Imogene*" and gunboats. The troops immediately moved forward, Lieutenant Colonel Lowe commanding the advance, a portion of which (Greek light infantry), under Major Church, was kept upon the flank, and drove a party of Albanians from the adjacent heights. The town was found to be evacuated, General Camus having, with his whole forces (amounting to above 1,000 men), retired into the fortress and strong fieldworks contiguous thereto, at the same time acquainting the civil administration with his inability any longer to protect them.

* *Magnificent*, *F. Poule*, *Imogene*.

The fortress of St. Maura is situated upon a narrow sandy isthmus, of three miles in length, which joins it to the island, and it has besides a direct communication with the town by a singularly narrow causeway, nearly a mile in length. The neck of land is defended by two strong redoubts, and an intrenchment regularly constructed, and capable of such a resistance as led the enemy to declare they would arrest our progress for a month at least.

Lieutenant Colonel Lowe being left to watch the enemy's movements from the town, supported by Colonel Wilder and two battalions, I proceeded with a portion of light infantry to reconnoitre the isthmus. Major Church I found had already, with four companies of the Greek light infantry, gallantly carried the first redoubt, the enemy retiring upon his next entrenchment, where he remained in force assiduously employed in completing its defences. It was obvious that no time ought to be lost in carrying this work; accordingly the battalion of detachments under Major Clarke, 35th Regiment, was called from the town to support the attack, which previous success and the best apparent disposition induced me to confide to the Greek light infantry. Captain Eyre, who did me the honour to land with the troops, directed His Majesty's ship "*Leonidas*" to be placed so as to favour the assault. Captain Brisbane, Royal Navy, who was also on shore, conveyed this order and our intentions to Captain Griffiths. The line to be attacked extended from sea to sea, mounted with four pieces of cannon, well flanked—had a wet ditch and abattis in front, manned by about 500 infantry, and was so defended from the sea as to render it almost secure from the fire of shipping. His Majesty's ship "*Leonidas*" came to anchor as close as the water would admit of; meanwhile the troops formed in columns approached, and were to a certain distance covered by the ground. On opening the front of the work they became exposed to a heavy and well-directed fire of grape and musketry. The Greeks resorted to their accustomed and, in many situations, appropriate mode of fighting; nor could the most gallant efforts of Major Church, Captain Tuffin (inspectors), and others of their officers, make them advance with that celerity which on similar occasions usually commands both safety and success. I am unequal to do justice to the exertions of my staff, to the officers of Royal Artillery and Royal Engineers who accompanied me upon this trying occasion.

Captain Eyre and Stephens, of the Royal Navy, were amongst the most animated in the combat, and were both wounded in the display of professional characteristic valour.

Upon finding the head of the column could not be brought to the assault, I immediately directed Major Clarke to bring up the battalion of detachments, consisting of two companies of the Royal Marines under Captains Snow and Stuart, two companies of De Rolls' under Major De Bosset, and two companies of Calabrian Free Corps, under Major Oswald.

The Royal Marines, led by Major Clarke, headed by their officers, broke through the abattis, and charged into the entrenchments; they were nobly supported by De Rolls' under Major Bosset, and no delicacy can prevent me from noticing the gallant exertion of Major Oswald in bringing forward his corps. The contest was not of long duration; the enemy fled at all points, pursued with the bayonet from work to work, and such was his precipitation that he not only abandoned the camp and cannons of the attacked line, but left his remaining strong position, followed by Major Clarke's command even to the gates of the fortress. His flight was accelerated by a previously concerted and extremely well executed movement of Lieutenant-Colonel Lowe, with the Rifles of his corps, supported by a company of the 35th and two companies of the Royal Corsican Rangers. The party, headed by the lieutenant-colonel, pushed along the narrow and perfectly exposed causeway which connects the town with the fortress; this unexpected advance led upon the enemy's rear, and contributed to his so quickly abandoning the strong redoubts, which a front attack alone could with difficulty effect. The lieutenant-colonel in his report speaks highly of the good conduct of the officers and men, and states that Lieutenant Boccicampi singularly distinguished himself by remaining after receiving a severe wound to cover the retreat of a party of the riflemen whom the enemy's fire compelled to retire, some of whom, driven from the dyke into the water, were missing. Thus concluded successfully operations of the highest import to our future progress in the island, and I trust that the conduct of

the troops in storming the works will be deemed worthy of your Excellency's approbation. These advantages have not been cheaply obtained, for I have been deprived of the aid of some of the most distinguished amongst us: Captain Wynyard, Assistant Adjutant General; Major Church, Assistant Quartermaster General, Superintendent of the Greek light infantry; Major Oswald, of the Calabrese division; Captain Vincenzo, of the same corps, and Captain Parker, of the Royal Engineers, all most meritorious and valuable officers, are amongst the wounded. With heartfelt pleasure, I state their wounds to be of a nature to give hopes that they will soon return to their respective stations. Upon the whole, excepting Captain Vincenzo, with whose merits your Excellency is well acquainted, our wounded of all ranks promise speedy recovery, and no permanent injury. The anxiety of Mr. Gunning, surgeon to the forces, to lend his immediate aid, placed him in the situation to become himself a sufferer, fortunately not so much so as to prevent him from performing the functions he so diligently and ably discharges.

It would exceed the bounds of a despatch to enumerate the merits of individuals; but I am bound to notice the promptness with which, at the most critical moment, my orders were conveyed to Major Clarke by Lieutenant Hartzembughter, of the Royal Corsican Rangers, my aide-de-camp, an old and deserving officer, and who afforded the Major an immediate opportunity of greatly contributing to the success of the day.

M. Foresti gave me essential aid during the march, and in the attack was one of the foremost in manifesting the zeal and courage with which His Majesty's service upon all occasions in-pires him.

The enemy is now pent up within his walls, and one of the posts we gained from him is favourably placed for commencing our approaches, which however the narrowness of the ground renders difficult and laborious.

Herewith I transmit to your Excellency returns of our killed, wounded, and missing, together with lists of the captured ordnance.

I have, &c.

Enclosure 2, in No. 6.

DISSEMBARKATION RETURN of the TROOPS under the Orders of Brigadier-General Oswald.

REGIMENTS AND CORPS.	Colonel.	Lieut.-Colonels.	Majors.	Captains.	Subalterns.	Paymasters.	Adjutants.	Quartermasters.	Surgeons.	Assist.-Surgeons.	Chaplains.	Sergeants.	Drummers.	Rank and File.
20th Light Dragoons - - -	-	-	-	-	-	-	-	-	-	-	-	1	-	7
Royal Artillery - - -	-	-	-	2	-	1	-	-	-	1	-	1	-	56
Royal Engineers - - -	-	-	-	2	1	-	-	-	-	-	-	-	-	13
Royal Marines - - -	-	-	-	2	5	-	1	-	-	-	-	10	5	212
35th Regiment - - -	-	2	2	5	12	-	-	1	1	-	-	29	15	534
Cal. Free Corps - - -	-	-	1	2	6	1	1	1	-	1	1	15	2	258
Royal Corsican Rangers - -	-	1	1	4	12	-	1	-	1	1	-	27	12	491
Royal Rolls' - - -	-	-	1	2	5	-	-	-	-	1	-	7	3	205
Grecian Light Infantry - -	-	-	1	9	27	-	1	1	-	1	1	32	12	463
TOTAL - - -	-	3	6	28	68	2	4	3	2	5	2	122	49	2,239

JOINED SINCE.

Royal Marines - - - - 4 rank and file.
 35th Regiment - - - - 1 staff, and 5 rank and file.
 De Rolls' - - - - 11 rank and file.
 Calabrese Free Corps - - - 2 rank and file.

(Signed) *Richd. Cust,*
 Acting Assistant Adjutant General.

Enclosure 3, in No. 6.

Camp St. Maura, 24 March 1810.

RETURN of Killed, Wounded, and Missing of the Troops under the Command of Brigadier-General Oswald, in storming three of the Enemy's Entrenched Batteries at St. Maura, 22 March 1810.

Regiments and Corps.	Killed.						Wounded.						Missing.								
	Field Officer.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.	Field Officer.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.	Field Officer.	Captain.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.
Staff - - - - -	-	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-
Royal Engineers - - - -	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
35th Regiment - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-
Royal Marines - - - - -	-	-	-	-	-	-	6	-	1	1	-	2	-	23	-	-	-	-	-	-	-
Detachment of De Rolls' - -	-	-	-	-	-	-	-	-	-	-	-	1	-	8	-	-	-	-	-	-	-
Detachment of Calabrese Free Corps	-	-	-	1	-	-	1	1	1	2	-	-	-	15	-	-	-	-	-	-	-
Royal Corsican Rangers - -	-	-	-	-	-	-	3	-	-	1	-	1	-	3	-	-	-	-	-	-	17
Grecian Light Infantry - - -	-	-	-	-	-	-	2	1	3	2	-	-	-	23	-	-	-	-	-	-	-
TOTAL - - -	-	-	-	1	-	-	12	2	7	6	1	4	-	74	-	-	-	-	-	-	17

*Corps.**Name of Officer killed.*

Cal. Free Corps. - - - - - Quartermaster Mariotti.

Names of Officers wounded.

Staff - - - { Capt. Wynyard, 1st Foot Guards, Assistant Adj.-Gen. - severely.
 { Mr. Gunning, Surgeon to the Forces - - - slightly.

Royal Engineers - Captain Parker - - - - - severely.

Royal Marines - { Captain Snow, H. M. S. "Montague" - - - slightly.
 { Lieutenant Morrison, H. M. S. "Montague" - - - ditto.

Cal. Free Corps { Major Oswald - - - - - severely.
 { Captain Vincenzo Taberna - - - - - ditto.
 { Lieutenant Amanino - - - - - ditto.
 { " Tarentino - - - - - slightly.

Grecian Light Infantry. { Major Church, Inspector - - - - - severely.
 { Captain Tuffin, Assistant ditto - - - - - slightly.
 { " Stralli - - - - - ditto.
 { " Turcolaco - - - - - ditto.
 { Ensign Ordioni - - - - - ditto.
 { " Petmesa - - - - - ditto.

Royal Cors. Rangers, Lieutenant Bucchiciampo - - - - - ditto.

(signed)

Richard Cust,

Acting Assistant Adjutant General.

Enclosure 4, in No. 6.

St. Maura, 25 March 1810.

RETURN of the Ordnance, &c. taken on the Batteries and Entrenchments of St. Maura,
 22 March 1810.

Battery near the Landing-place.

12-pr. iron - - - - - 1 spiked.

Fort or Battery Alessandria, at the Entrance of the Salines.

6-pr. iron	-	-	-	-	1	Cartridges	{	6	-	-	-	-	-	14
3-pr. brass	-	-	-	-	1 spiked		{	3	-	-	-	-	-	4
Shot	{	Round	{	6	-	-	-	24	Tubes	-	-	-	-	20
			{	3	-	-	-	5	Powder-horns	-	-	-	-	1
		Case	{	6	-	-	-	9	Cylinders	-	-	-	-	1
				3	-	-	-	8						

Fort Constantine.

8-pr. iron	-	-	-	-	2 spiked	Shot, round	{	8	-	-	-	-	-	50
6-pr. iron	-	-	-	-	1		{	6	-	-	-	-	-	9
Handspikes	-	-	-	-	5									

Windmill Redoubt.

24 pr.	-	-	-	-	2 spiked	Cartridges	{	24	-	-	-	-	-	23
8 pr.	-	-	-	-	1 ditto		{	8	-	-	-	-	-	7
Shot	{	Round	{	24	-	-	-	30	Tubes	-	-	-	-	26
			{	8	-	-	-	15	Powder-horns	-	-	-	-	1
		Grape	{	24	-	-	-	4	Handspikes	-	-	-	-	8
				8	-	-	-	2	Spunges and rammers, 24	-	-	-	-	2

Entrenchment which was Stormed.

14-pr.	-	-	-	-	1	Cartridges, 14	-	-	-	-	-	3
14-pr.	-	-	-	-	1	Spunges, 14	-	-	-	-	-	1
12-pr. brass	-	-	-	-	2	Spunges, 12	-	-	-	-	-	1
Shot	{	Round	{	14	-	-	-	5				
			{	12	-	-	-	21				
		Case	12	-	-	-	1					

Advanced Redoubt.

18-pr.	-	-	-	-	-	2	Cartridges, 18	-	-	-	-	4	
14-pr.	-	-	-	-	-	1	Spunges	{	18	-	-	2	
Shot	{	Round	{	18	-	-	-	20	{	14	-	-	1
			{	14	-	-	-	5					
		Case		18	-	-	-	6					

Recapitulation.

24-pr. iron	-	-	-	-	2	} With a few shot and stores.
18-pr.	-	-	-	-	2	
14-pr.	-	-	-	-	2	
12-pr. iron	-	-	-	-	1	
12-pr. brass	-	-	-	-	2	
8-pr.	-	-	-	-	3	
6-pr.	-	-	-	-	2	
3-pr. brass	-	-	-	-	1	
16-pr.	-	-	-	-	1	

—
16 pieces of ordnance.

(signed) *John S. Williamson,*
Captain of Artillery Company.

— No. 7 —

COPY of a LETTER from Lieutenant General Sir *John Stuart*, K.B., Count of Maida, to the Right Honourable the Earl of *Liverpool*, dated Messina, 26 April 1810.

My Lord,

SINCE my Despatch to your Lordship of the 24th instant, I have received from Brigadier General Oswald the satisfactory account which I have the honour to transmit herewith, of the complete reduction of the island and fortress of St. Maura, and of the surrender of the French force by which they are garrisoned to His Majesty's arms.

The reinforcements which were despatched from hence to the support of the Brigadier General on the 31st ultimo, I am pleased to state, are on their return again to Sicily.

On the service so successfully accomplished by Brigadier General Oswald, it only remains with me to express my sanguine hope that the consequences will be as beneficial as the achievement has been brilliant, and that himself and the gallant troops who have been the companions of his enterprise will receive their best recompense in their Sovereign's most gracious approbation.

I have, &c.

Enclosure 1, in No. 7.

COPY of a DESPATCH from Brigadier General *Oswald* to Lieutenant General
Sir *John Stuart*.

Sir,

Camp of St. Maura, 17 April 1810.

I HAVE extreme satisfaction in announcing to your Excellency that the fortress of St. Maura surrendered to His Majesty's arms on the 16th instant, nine days after batteries consisting of two 32-prs., nine 18-prs., four howitzers, and six mortars were opened against it; a portion of this artillery, however, had only been three days in action.

The place was perfectly provided with casemates, and I am free to confess, its situation and defences offered greater obstacles than I apprehended we should have had to contend with.

The sketch I had the honour to forward with my last Despatch will show to your Excellency the narrow and exposed front we had to work upon, and likewise that a due consideration for the inhabitants compelled me to construct the batteries of support at rather too great a distance from the work.

The ample supplies which your Excellency promptly despatched, enabled us to support so heavy a cannonade and bombardment as to render it unnecessary to resort to a breaching battery, a measure in contemplation which the skill and resources at all times displayed by Captain Thackeray would, I doubt not, have happily accomplished. The enemy's artillery and interior of the fortress have greatly suffered, but its walls remain unimpaired.

The troops have performed the hazardous and arduous labours of the siege with characteristic intrepidity and perseverance.

During the operations, one or two night attacks upon the enemy's outpost afforded a display of that high degree of discipline and gallantry which such efforts demand.

Upon the evening of the 15th, Captain Thackeray desiring to reconnoitre the approach and ground for the breaching battery then in agitation, it became necessary to drive the enemy from an intrenchment he held within 300 paces of his rampart; this service was intrusted to Lieutenant Colonel Moore of the 35th, who led the Grenadiers of that regiment, Light Company of Roll's, and subaltern's detachments of the Corsican Rifles and Royal Marines. This corps, pushing undauntedly through a heavy fire of grape and musketry, carried the enemy's line at the point of the bayonet. Upon the Lieutenant Colonel and Captain Thackeray reporting to me that it was practicable to establish our troops there, the detachment was directed to stand fast, and by incessant and judicious labour during the night the intrenchment was converted into a second parallel, from whence the fire of the enemy, however severe, could not dislodge it. Our sharpshooters and infantry from thence greatly distressed the opposing artillery, and I am convinced hastened the enemy's decision to surrender. In the course of these operations, it has afforded me infinite satisfaction to observe that the skill of our officers and the courage of our men have uniformly converted the labours of the enemy into works of security for ourselves. I am happy to say, upon the whole, our loss has been inconsiderable; remarkably so, when the circumstances of the siege are taken into consideration.

The skill and attention of Mr. Gunning, surgeon to the forces (of whom I cannot speak too highly, or too strongly recommend to your Excellency), and that of the other medical officers will, I trust, be the means of preserving the valuable lives of our wounded officers and men. I am deeply concerned to say that, since my last report, a chance cannon shot has deprived the army of Major Clarke, an officer whose early exploits and distinguished qualities promised to render him one of its brightest ornaments.

Captain Eyre's misfortune did not admit of his being on shore; but the "Magnificent" was brought near to the scene of action, and I constantly profited from his advice and assistance.

The squadron has given the most powerful aid; it furnished ammunition and cannon for the batteries, with intelligent officers and brave seamen to fight them; their fire was most destructive. Captains Mowbray, Brisbane, and Griffiths, of the Royal Navy, were zealous

in their co-operation; the two latter officers resumed their station off Corfu, whilst Captain Mowbray, by his unceasing exertions, facilitated our operations and supplied our numerous wants.

The gallantry and good conduct of the Royal Marines was noticed to your Excellency in my last report, and I can only assure you that it has been conspicuous throughout the service.

Colonel Wilder superintended the duties of the line to my perfect satisfaction.

Lieutenant Colonel Lowe commanded in the town, and was unwearied in calling forth the resources of the island, and in planning and forwarding a mode of attack by the lake, had the obstinacy of the enemy forced us to recur to such a measure.

The arrangements of Captain Williamson commanding the Royal Artillery were most excellent; the officers and men of the corps displayed their accustomed science and intrepidity.

The labours of Captain Thackery, commanding engineer, were incessant; his objects judicious, and his batteries admirably constructed. The officers of that department had severe duty, and acquitted themselves in a manner the most praiseworthy.

The army has been abundantly supplied through the exertions of the Commissariat, directed by Acting Assistant Commissary Forbes, a gentleman who has discharged his extensive and complicated duties entirely to my approbation.

Since Captain Wynyard's confinement the office of Adjutant General has been performed by Brigade Major Cust, a deserving officer long attached to my command.

Captain A'Court, who volunteered from Sicily, arrived in time to render me most essential service in the department of the Quartermaster General.

The limits of a report admit not of my noticing further the merits of individuals, but I can most conscientiously assure your Excellency, that every person belonging to this army has faithfully done his duty and deserves the commendation and support of his superiors.

The motives which induced me to propose this enterprise to your Excellency have acquired strength as I become more acquainted with the local position and the military and political relations of the island.

The enemy upon our landing had 1,600 regular and irregular troops; a force he could augment at pleasure, and easily bring to act against the adjacent and least protected of the liberated isles.

* * * * *

During the whole of the service on this island, Mr. Foresti has remained in the field, sharing with me the toils of the campaign.

Herewith I enclose the articles of capitulation, returns of killed and wounded, as also a return of prisoners and captured stores. This Despatch will be presented by Lieutenant Hartzenbughter, my aide-de-camp, whom I again recommend to your Excellency's notice and protection.

I have, &c.

P. S.—In my last letter I omitted to mention that Lieutenant Charters, with the Royal Marines of the "Belle Poule," formed a portion of the party which assaulted the enemy's lines. I now beg leave to supply the deficiency, and to bear testimony to their gallant conduct upon that occasion.

(signed) *J. Oswald.*

Enclosure 2, in No. 7.

ARTICLES of CAPITULATION agreed upon between Lieutenant Colonel *Lowe* and Captain *Mowbray*, of the Royal Navy, on the part of Brigadier General *Oswald*, Commanding His Britannic Majesty's Land Forces, and of Captain *Eyre*, Commanding His Majesty's Vessels, and General *Camus* Commanding the French Garrison of the Fortress of St. Maura, 16 April 1810.

Propositions.

No. 1. La garrison de la forteresse de S. Maura evacuera cette forteresse avec les honneurs de la guerre, armes et baggages pour monter a bord des batimens Anglais mouillés dans ces parages pour être conduits dans le port de Trieste ou Ancône appartenants a S. M. l'Empereur Napoléon.

Answers.

No. 1. The garrison will march out with the honours of war, and, on laying down their arms, will be embarked on board transports to be conveyed to such ports of His Britannic Majesty's dominions as may be found most expedient. The officers will be permitted to return to Italy on their parole of not serving until exchanged. The officers will preserve their swords.

No. 2. La garrison sortira par le port d'Épire et s'embarquera au port Nicolo.

No. 2. Granted.

No. 3. Au moment que la garrison sortira la porte d'Ammaxichi sera occupée par les troupes de sa Majesté Britannique.

No. 3. The gates of the fortress will be given up to the British troops as soon as the capitulation is signed.

No. 4. Les non-combattants seront rendus à Corfu.

No. 4. Granted.

No. 5. Les malades et blessés resteront dans la place jusqu'à a leur guerrison pour être conduits ensuite à Corfu.

No. 5. Granted.

Ils sont recommandés à la generosité du Gouvernement Anglais.

No. 6. Les officiers et troupes auxiliares de quelque nation que ce soit suivront le sort de la garrison.

No. 6. Granted.

No. 7. Les mâles, portemanteaux des officiers et les havresacks des soldats seront respectés.

No. 7. All private property shall be respected; but, at the same time, all private debts and obligations towards the inhabitants and others must be satisfied.

No. 8. All public property of every description, money, magazines, provisions, guns, ammunitions, and plans of the Engineers' and Artillery Departments shall be delivered up to the officers charged to receive them in the same state as they now actually exist, and the officers charged to receive them are to enter the fortress at the same time with the troops, who take possession of the gates, by whom sentries are to be furnished until the embarkation of the garrison takes place.

(signed) *Mowbray, R. Navy.*
H. Lowe, Lieut. Col. Com.
Le Général de Brigade, *Camus.*

Enclosure 3, in No. 7.

RETURN of the French Garrison surrendered Prisoners of War in the Fortress of St. Maura, 16 April 1810.

Staff.			Officers.					Serjeants, Drummers, and Rank and File.			Total.	REMARKS.
Brigadier-Gen.	Aide-de-Camp.	Attached.	Lieut.-Colonel.	Staff.	Captains.	1st Lieutenants.	2d Lieutenants.	Serjeants.	Drummers.	Rank and File.		
1	1	2	1	3	4	4	4	7	39	638	714	17 sick and 69 wounded, not included in the total.

(signed) *Richd. Cust,*
Acting Assistant Adjutant General.

RETURN RELATIVE TO THE OCCUPATION OF

Enclosure 4, in No. 7.

RETURN of Stores taken at the Castle of St. Maura, 17 April 1810.

Shovels, with helves - - - -	115	Drawing-knife - - - -	1
Shovels, without helves - - - -	37	Forks - - - -	10
Pickaxes, with helves - - - -	70	Sheet-iron, pieces - - - -	12
Pickaxes, without helves - - - -	12	Bill-hooks - - - -	52
Felling axes - - - -	5	Files - - - -	6
Ballast baskets - - - -	12	Mason's hammers - - - -	6
Cross-cut saw - - - -	1	Trowels - - - -	2
Crowbar - - - -	1		

A considerable quantity of wood, which has been employed in the splinter proofs, &c. &c.

(signed) *Fredk. R. Thackery.*

Enclosure 5, in No. 7.

Camp before St. Maura, 17 April 1810.

RETURN of Ordnance, Ammunition and Stores taken at the Fortress of St. Maura, viz:—

Ordnance, French calibres.	Guns - -	Brass - -	12 pounders - -	-	-	-	4
			8 " - -	-	-	-	4
			4 " - -	-	-	-	4
			3 " - -	-	-	-	9
		Iron - -	36 " - -	-	-	-	3
			24 " - -	-	-	-	5
			16 " - -	-	-	-	1
			12 " - -	-	-	-	12
	Howitzers - -	Brass - -	7-inch - -	-	-	-	2
			5 " - -	-	-	-	2
	Mortars, brass - -	Iron - -	13 " - -	-	-	-	1
			12 " - -	-	-	-	2
Old unserviceable guns of different natures - - - -							16
Round shot - - - -			36 pounders - -	-	-	-	60
			24 " - -	-	-	-	200
			16 " - -	-	-	-	300
			12 " - -	-	-	-	400
			8 " - -	-	-	-	200
			4 " - -	-	-	-	100
			3 " - -	-	-	-	60
Case and grape shot - - - -			36 pounders - -	-	-	-	60
			24 " - -	-	-	-	80
			16 " - -	-	-	-	40
			12 " - -	-	-	-	60
			8 " - -	-	-	-	60
			4 " - -	-	-	-	30
			3 " - -	-	-	-	20
Shells - - - -	Empty - - - -		12-inch - -	-	-	-	20
			7 " - -	-	-	-	20
			5 " - -	-	-	-	16
	Fixed for the ramparts of different natures - - - -			60			
Spare carriages of different natures - - - -							9
Slow match, cwt. - - - -							4
Lead match, cwt. - - - -							20
Powder barrels - - - -							50
Musket ball cartridge (barrels) - - - -							16
Muskets - - - -	{	Serviceable - -	-	-	-	-	1,053
		Repairable - -	-	-	-	-	115

(signed) *John S. Williamson,*
Captain of Artillery Com.

Enclosure 6, in No. 7.

Santa Maura, 20 April 1810.

STATEMENT of Commissariat Stores captured in the Castle of Santa Maura.

Spirits	-	-	-	-	-	-	-	-	500 gallons.
Calavances	-	-	-	-	-	-	-	-	20,000 pounds.
Flour	-	-	-	-	-	-	-	-	30,000 "
Biscuit	-	-	-	-	-	-	-	-	25,000 "
Rice	-	-	-	-	-	-	-	-	7,500 "
Wood	-	-	-	-	-	-	-	-	150,000 "
Oil	-	-	-	-	-	-	-	-	2,000 "
Live Cattle	-	-	-	-	-	-	-	-	29 head.

(signed) C. F. Forbes, A.A.C.

Enclosure 7, in No. 7.

RETURN of Killed, Wounded, and Missing of the Troops under the command of Brigadier-General *Oswald*, before the Fortress of St. Maura, from the 23d March to the 16th April 1810.

Date.	Regiments and Corps.	Killed.						Wounded.						Missing.								
		Field Officer.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.	Field Officer.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.	Field Officer.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.
23 March	- Calabrian Free Corps - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
30 "	- Royal Corsican Rangers - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
6 April	- 35th Regiment - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
7 "	- 35th Regiment - - - -	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
- "	- Royal Corsican Rangers - - - -	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- "	- Calabrian Free Corps - - - -	-	-	-	-	-	-	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-
8 "	- 35th Regiment - - - -	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- "	- Seamen attached to the Artillery, H. M. S. Montague.	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-
9 "	- Royal Artillery - - - -	-	-	-	-	-	-	2	-	-	-	-	-	-	3	-	-	-	-	-	-	-
- "	- Seamen attached to the Artillery, H. M. S. Montague.	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-
10 "	- Ditto - - - ditto - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	-	-	-	-	-
14 "	- Royal Artillery - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	-
- "	- Seamen attached to the Artillery, H. M. S. Montague.	-	-	-	-	-	-	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-
- "	- Royal Corsican Rangers - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
- "	- Grecian Light Infantry - - - -	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- "	- Gun boats - - - -	-	-	-	-	-	-	1	-	-	-	-	-	-	3	-	-	-	-	-	-	-
15 "	- Royal Marines - - - -	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- "	- 35th Regiment - - - -	-	-	-	-	1	-	1	-	-	-	-	-	-	2	-	-	-	-	-	-	-
- "	- Royal Corsican Rangers - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-
- "	- De Roll's - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-
- "	- 2d Light Infantry Battalion - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
		-	-	-	-	1	-	10	1	-	-	-	-	-	32	-	-	-	-	-	-	-

Names of Officers wounded.—Major Clarke, 35th Regt. Comg. Batt. of Detachmt. (Since dead.)

(signed) *Richd. Cust*, Acting A. A. General.

— No. 8. —

(No. 23.)

COPY of a DESPATCH from Lord *Liverpool* to Lieutenant General Sir *John Stuart*, K.B., dated Downing-street, 23 February 1811.

Sir,

WITH reference to your letter of the 29th December last, enclosing various communications from Brigadier General *Oswald* respecting the Ionian Islands, containing his opinion on the means of blockading the canal of Corfu, I have the honour to acquaint you that, on the 17th of August last, instructions were sent from the Lords Commissioners of the Admiralty to Admiral Sir Charles Cotton directing him to establish and maintain a vigorous blockade of the canal of that island.

I have, &c.

— No. 9. —

COPY of a LETTER from Lieutenant-General Sir *J. Stuart*, K. B., to the Right Honourable the Earl of *Liverpool*, dated Messina, 2 March 1811.

My Lord.

BRIGADIER GENERAL OSWALD having signified to me his resolution to proceed to England by the packet, I am happy in the opportunity which will thus offer to your Lordship of referring to that officer himself for the more extensive details of the command which he has recently quitted, and in which his able and judicious conduct in all the political relations which have occurred, as well as military circumstances by which he has been distinguished, in conciliating the inhabitants of the islands, and in developing our national character to the adjacent continent, have established a most important basis to the prosecution of any future views that may be contemplated by His Majesty's Government in respect to that interesting quarter.

The state of organization in which the Brigadier General has left the islands in general, and the economy with which his establishments have been effected, will be considerations gratifying to your Lordship; and I trust my impressions of his merits in these military services which were committed to his execution will admit my venturing to your Lordship the hope that General Oswald may be deemed worthy of some mark of his Sovereign's most gracious approbation.

I have, &c.

— No. 10. —

COPY of a LETTER from Lord *Bathurst* to Viscount *Castlereagh*, dated Downing-street, 9 October 1812.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the _____, conveying to me the representations of Mr. Foscardi of the inconvenience hitherto occasioned by the frequent changes which necessarily take place in the military commanders at the Ionian Islands, and the want of a permanent Governor; and I am to acquaint you, that in consequence of the above communication, I shall take measures for receiving the pleasure of His Royal Highness the Prince Regent with regard to the person whom His Royal Highness will be pleased to appoint to execute the civil as the military power of the island.

I have, &c.

— No. 11. —

EXTRACT from a DESPATCH of Earl *Bathurst* to Lieutenant-General Lord *W. Bentinck*, dated Downing-street, 14 October 1812.

YOUR Lordship's Despatch, No. 40, respecting the want of a Mediterranean pass, which is felt by the vessels of the Ionian Islands, has been communicated to the Admiralty, and I have the honour of enclosing a copy of the answer which has been received from that department on the subject.

I have the honour of enclosing for your Lordship's information the copy of a letter from the Foreign Office respecting the establishment of a permanent form of Government for these islands, and a copy of the answer given to it by my desire. This may probably lead to the removal of the obstacles which now prevent the Lords of the Admiralty from furnishing their vessels with the Mediterranean pass.

Enclosure 1, in No. 11.

COPY of a LETTER from *J. Barrow*, Esq., to *Henry Goulburn*, Esq., dated Admiralty,
7 October 1812.

Sir,

HAVING laid before my Lords Commissioners of the Admiralty your letter of the 6th instant, transmitting copy of one with its enclosure from Lieutenant-General Lord William Bentinck, representing the nugatory effect of His Majesty's gracious permission to the inhabitants of the Ionian Isles to navigate under the British flag unless their vessels are furnished with the Mediterranean pass, I am commanded to acquaint you, for the information of Earl Bathurst, that their Lordships are not authorised to issue Mediterranean passes to any persons not being subjects of His Majesty.

I am, &c.

Enclosure 2, in No. 11.

COPY of a LETTER from *E. Cooke*, Esq., to *H. Goulburn*, Esq., dated Foreign Office
22 October 1812.

Sir,

I AM directed by Viscount Castlereagh to transmit to you, for Earl Bathurst's information, the copy of a letter which, by command of His Royal Highness the Prince Regent, Lord Castlereagh has addressed to Count Foscardi, the Deputy in this country from the Ionian Islands, in reply to the representations the Count had been accredited to make to His Majesty's Government upon the administration of those islands.

I am, &c.

Enclosure 3, in No. 11.

COPY of a LETTER from Viscount *Castlereagh* to Count *Foscardi*, dated Foreign Office,
22 October 1812.

Sir,

I AM to acquaint you, by the commands of His Royal Highness the Prince Regent, that the representations you have been accredited to make by the civil authorities in the Ionian Islands, which are at present under the protection of Great Britain, have been taken into the fullest consideration.

His Royal Highness justly appreciates the sincerity of their wishes to become permanently united to Great Britain; and His Royal Highness has no doubt that he should find them attached and loyal subjects, not less eager to participate than zealous to preserve those blessings which naturally flow from the principles of the British Government, so calculated to combine the benefits of liberty and protection.

His Royal Highness, however, trusts that the authorities in the Ionian Islands will feel that under existing circumstances it is not possible to come to a final settlement of their interests and requests.

At the same time His Royal Highness is not the less solicitous to make such an alteration in the arrangement hitherto provided for the administration of the islands as may best conduce to their prosperity and happiness, by giving that arrangement a character of greater consistency and stability.

His Royal Highness has already extended to the Ionian Islands the benefits of the English flag for the protection of their commerce.

Understanding that the changes which have taken place in the military commandants who have been sent thither under British authority, have been the cause of much inconvenience, His Royal Highness has determined to send a Governor or Civil Commissioner to the islands, who shall be entrusted with the civil and military authority, in the same manner as has been practised in Malta, and who will not be liable to be changed, except by the immediate authority of His Royal Highness.

I am, &c.

— No. 12. —

COPY of a DESPATCH from Lieutenant-General Lord *W. C. Bentinck* to the Right Honourable Earl *Bathurst*, dated Palermo, 23 January 1813.

My Lord,

In consequence of instructions from His Royal Highness the Commander-in-Chief, received in the month of September last, I directed Major Oswald, 35th Regiment, to proceed to Cephalonia, with a view to the formation of a second battalion to the Greek Light Infantry regiment from such of the officers and men of the Ionian Greek corps as might be willing to transfer their services.

I do

I do myself the honour of enclosing Major Oswald's report on the subject, by which it appears that there are but few volunteers for the proposed transfer, and many individuals amongst the Ionian Greeks who are ill calculated for any but garrison service. In the meantime, I have allowed such as have come forward to be received into the Greek Light Infantry regiment, and I propose further to augment its strength by allowing the enlistment of the disbanded soldiers of His Sicilian Majesty's late Albanian corps, if they have not been already sent back to their own country.

With respect to the description of force furnished from the Ionian Isles or from the neighbouring coast, it appears to me certainly preferable that the men should be for general instead of limited service; but in either case, in a military point of view, I do not conceive that an augmentation of such force would be attended with any benefit to the British Government, and viewing the untractable disposition of the greater part both of officers and men, it may possibly be placed in a situation to become inconvenient and dangerous.

I have, &c.

Enclosure 1, in No. 12.

A.

COPY of a LETTER from Major *Oswald*, 35th Regiment, to His Excellency Lieutenant General Lord *William Bentinck*, dated Palermo, 3 January 1813.

My Lord,

I HAVE already had the honour of representing to your Lordship that the proposal made to the Ionian Greeks to transfer their services has not been attended with the success equal to my expectations, nor to those apparently entertained by His Royal Highness the Commander in Chief.

The result of my proposal to the corps has been, that the native officers assured me of their desire to accept the offer made to them; that the only difficulty arose from the men having been so recently engaged as the 28th of October last on the original limited capitulation to serve in the Ionian Islands only, to which they are now more attached from the late augmentation of their pay.

During the few days that I was at Cephalonia about 50 men came forward and were sworn in; these men were mostly brought by Captain Callogero, who was particularly zealous in promoting the service; the other captains having requested that time might be allowed them to overcome the prejudices of their men in favour of their limited capitulation; at their request I suspended any further proceedings and returned to Zante, for the purpose of obtaining further instructions from General Airey relative to those men who might not ultimately volunteer their services.

It is necessary to mention that there are in this corps many individuals who are by no means desirable subjects for a corps to be employed for general service; these are men with families, others past that period of life at which men easily adopt new habits, and consequently less susceptible of the discipline necessary in a corps subject to all the varieties of service.

From what I have had the honour to state, I trust your Lordship will be of opinion that no advantage is to be derived from the acquisition of the whole of this corps, and that by setting aside the present capitulation few or none of the men who are best adapted for general service would refuse the offer made them, and the companies might soon be completed with other men.

Perhaps your Lordship may not be inclined at this moment to permit even a temporary augmentation of the force in the Ionian Islands by the discharge of the individuals alluded to.

I would beg therefore to submit for your Lordship's consideration, that such inconvenience may be easily avoided by granting me permission to form three companies of the second battalion from such men as can be procured from the late Albanian corps of his Sicilian Majesty and those men already enlisted in Zante. In the event of not succeeding in raising a sufficient number of men from the late corps above mentioned, there will be no difficulty in immediately forming two companies from the numerous candidates for service, both in Sparta and Albania, as will appear from the accompanying proposal.

My object, my Lord, is to form the proposed battalions on good principles; abundance of men are easily to be obtained, most anxious and willing to enter the service according to the capitulation of the corps.

I have, &c.

Enclosure 2, in No. 12.

COPY of a DESPATCH from the Military Secretary to Lieut.-General Lord *W. Bentinck* to Major *Oswald*, 35th Regiment, dated Palermo, 8 January 1813.

Sir,

THE Commander of the Forces directs me to reply to your letter of the 3d instant, and to state to you that, as by the instructions from the Commander-in-Chief, the formation of the 2d battalion Greek Light Infantry is made to depend on the transfer of service of the Ionian Greeks, who seem generally unwilling to accede to such transfer, his Lordship does not feel authorised to permit the formation of the 2d battalion on any but the terms prescribed. He desires me, however, to notify to you his intention of referring the business to the ultimate decision of the Commander-in-Chief.

In the meantime his Lordship authorises such of the Ionian Greeks as have already volunteered to transfer their services, being received into the Greek Light Infantry; he sanctions also the enlistment into the same corps of the Albanians lately in His Sicilian Majesty's service.

These are to be enlisted for the Greek Light Infantry generally, and if it be your wish to take charge of them until the decision of the Commander-in-Chief is known, his Lordship has no objection to your so doing.

The Commander of the Forces has no authority for setting aside the present capitulation of the Ionian Greeks.

I have, &c.

Enclosure 3, in No. 12.

Illme. Sigr. Coll. Comandante.

Li divotissimi Aluisa Candiotta, e Giovanni Mauromiculi, detto Capitanachi Spartane, si esibiscono volontariamente a V.S. Illme. alla Reclutazione di settecento persone Greci, per il servizio di S. M. Britannica per anni cinque, e condurli in Zante sotto gl' ordini di V.S. Illme., colla condizione che tutti quelli soldati che non fossero agili al servizio zia le sue spese a peso nostro. Tanto si obblighiamo sotto vincolo d'onore.

(signed)

— No. 13. —

COPY of a DESPATCH from Lieutenant-General Lord *W. Bentinck* to the Right Honourable Earl *Bathurst*, dated at sea, 9 June 1813.

My Lord,

I HAVE the honour to report to your Lordship, that I have judged it expedient to make a still further deduction from the force in the Ionian Isles, and have accordingly directed Lieutenant-General Macfarlane to make the necessary arrangements for removing to Sicily five companies of the 35th Regiment. The various garrisons in the Ionian Isles will then amount to about 2,000 men; that of Lissa will remain as heretofore.

I have, &c.

— No. 14. —

COPY of a LETTER from the Right Honourable Lord *William Bentinck* to the Right Honourable the Earl *Bathurst*, dated Leghorn, 6 April 1814.

My Lord,

I HAVE the honour to transmit to your Lordship the copy of a letter I have received from Lieutenant-General Campbell, reporting the occupation of the island of Paxo by a small detachment of troops under the orders of Lieutenant Colonel Church, of the 2d Greek Light Infantry, whose communication on the subject is also enclosed for your Lordship's information.

I have, &c.

Enclosure 1, in No. 14.

COPY of a LETTER from Lieutenant-General *James Campbell* to His Excellency the Commander of the Forces at Sicily, dated Zante, 12 March 1814.

My Lord,

REFERRING to my letter of date the 13th February last, I have now to report to your Lordship the occupation of the island of Paxo by a small detachment of His Majesty's forces on the 14th ultimo. Such has been the tempestuous state of the weather, and the consequent stoppage of our communications, that I did not receive Lieutenant-Colonel Church's letter, herewith enclosed, detailing this little enterprise, until yesterday morning.

I have appointed Major the Honourable Sir Charles Gordon, of the Greek Light Infantry to the civil and military command at Paxo.

It will in great measure, depend upon the sentiments of the naval officer commanding the blockading squadron off Corfu, whether or not it may be expedient also to possess ourselves of the small and nearly insulated rock of Parga, on the main land, abreast of Paxo, together with its anchorage, as a further means of straitening the enemy's garrison of Corfu, and cutting off his supplies.

I have, &c.

Enclosure 2, in No. 14.

COPY of a LETTER from Lieutenant-Colonel *Church*, commanding at Paxo, to Lieutenant-General *Campbell*, dated Paxo, 15 February 1814.

Sir,

IN obedience to your Excellency's orders, I proceeded with a detachment of His Majesty's troops to act in concert with Captain Taylor, commanding the blockade of Corfu, for the reduction of the island of Paxo. The judicious arrangements of that officer enabled me to land yesterday morning at the back of the island, from whence we marched rapidly across the country, and arrived near the enemy's fort situated on an island in the harbour, almost as soon as the information of our descent, and succeeded in preventing the junction of the enemy's troops in the town and the fortress. A summons to surrender was immediately despatched to the French commander, and taken to him by Brigade-Major Arata, to which we received the annexed menacing refusal. I had made my dispositions to cross the harbour and escalate the fort, of which the enemy was not aware. Brigade-Major Arata having communicated to me by signal the result of his conference, we crossed over in boats to the advanced guard, and succeeded in surprising the gate of the fortress open, the enemy still conceiving we were on the other side of the water, and thus became masters of the fort.

The taking of this island, which was an outpost of Corfu, having been effected by surprise, has happily prevented bloodshed, but it is not the less incumbent on me to express to your Excellency the obligations I have to Captain Taylor, who, together with Captain Noel and Mr. Ullock, of the Royal Navy, and a detachment of seamen and Royal Marines, accompanied the troops throughout. The zeal and anxiety of Captain Taylor to serve us, was also conspicuous in every officer and seaman under his orders. I had also the pleasure of being joined by Captain Black of His Majesty's ship "Havannah."

To Brigade Major Arata's address in having communicated to me the state of the enemy, we are much indebted for our success in surprising the enemy's fort; this, added to his other zealous services, entitles him to my warmest recommendation; and I beg also to assure your Excellency that my orders were promptly executed by Captain Garland and Lieutenant Gaffori, of the Royal Corsican Rangers, Captain Colocotroni of the Guides, Lieutenant J. Hill of the Royal Artillery, Lieutenant Stenton, 35th Regiment, and Lieutenant Campbell, Royal Marines, and the officers, non-commissioned, and soldiers of the detachment of Royal Marines, 35th Regiment, Royal Corsican Rangers, of the 2d Regiment, Duke of York's Greek Light Infantry. The latter were soon joined by their countrymen in the French service, not one of whom fired a shot against us.

I have, &c.

Enclosure 3, in No. 14.

Le Capitaine *Roy*, Commandant à Paxo, à MM. le Commodore *Taylor*, et le Colonel *Church*, Commandant les Forces de Sa Majesté Britannique.

Messieurs,

JE commande le fort S. Nicolo par les ordres qui m'ont été donnés pour y défendre et maintenir les droits de mon Souverain. Ne voulant pas tromper sa confiance, je vous déclare que je repousserai la force par la force.

J'ai l'honneur, &c.

— No. 15. —

COPY of a LETTER from Viscount *Castlereagh* to Lieut.-General *Campbell*,
dated Paris, 27 April 1814.

Sir,

IN consequence of the convention lately concluded between the Allies and France, extracts of which I have the honour to enclose, it has become necessary to make an arrangement by which the island of Corfu may, under the stipulations of article third, be given up by the French commander, and commissioners are to be respectively appointed by the Allies and France, in order to regulate this cession. General Boulnoy has accordingly been directed by the French Government to act in that capacity on their part, and I am to acquaint you that his Royal Highness the Prince Regent has been graciously pleased, with the consent of the Allies, to select you on their part. This instruction will be delivered to you by the above-named General, and you will concert with him the necessary measures for the occupation of the island.

You will, however, take possession of it in the name of the Allies generally, and not specially of Great Britain. You will employ for this purpose such portion of the troops under your command as you may judge expedient, and you will take inventories of all such articles as under the stipulations of the treaty are to be given up by the French commander.

With regard to the civil government of the island, you will use your own discretion, and I have the fullest reliance upon your judgment and experience in the execution of that trust.

I shall furnish Admiral Sir John Gore with a duplicate of this Despatch, and request him to give you the utmost assistance in his power, either in the removal of the French garrison to such port as may be agreed upon in common with the French commissary, or in the transport of the British troops who still occupy the island.

I am, &c.

— No. 16. —

COPY of a LETTER from Lord *Wm. Bentinck* to the Right Honourable the
Earl *Bathurst*, dated Genoa, 22 May 1814.

My Lord,

I HAVE the honour to acquaint your Lordship that in consequence of an intimation from Viscount *Castlereagh* that instructions have been sent to Lieutenant-General *Campbell* to take possession of Corfu in the name of the Allied Powers, I have made the necessary arrangements for reinforcing the troops in the Ionian Islands, to enable the Lieutenant-General to carry his Lordship's directions into execution.

I have, &c.

— No. 17. —

COPY of a LETTER from Lord *Wm. Bentinck* to the Right Honourable the
Earl *Bathurst*, dated Palermo, 5 July 1814.

(No. 29.)

My Lord,

I HAVE the honour to transmit to your Lordship a letter I have this day received from Lieutenant-General *Campbell*, communicating to me the occupation by the British troops of the island of Corfu in the name of the Allies. I enclose also a proclamation issued by the Lieutenant-General on the subject.

I have, &c.

Enclosure 1, in No. 17.

COPY of a LETTER from Lieutenant General *Campbell* to the Right Honourable Lord *Wm. Bentinck*, dated Corfu, 24 June 1814.

My Lord,

I HAVE to report to your Lordship that, in consequence of instructions from Lord Viscount Castlereagh, founded upon the convention of the 23rd April, at Paris, the island and fortress of Corfu have this day been finally ceded by the French Commissary General de Boulnoy, and taken possession of by a division of the troops under my command in the name of the Allied Powers generally.

I have herewith forwarded the proclamation by me put in circulation immediately after the day and manner of the cession was arranged.

I have, &c.

Enclosure 2, in No. 17.

PROCLAMAZIONE da parte di Sua Eccellenza il Tenente Generale *James Campbell*, Civile Commissario di Sua Maestà Britannica per l'amministrazione di Governo nelle Isole Ionie, e Comandante le Forze della Maestà Sua nelle Isole stesse, e nell' Adriatico, &c. &c. &c.

Ai Pubblici Funzionarj, al Clero e agli Abitanti della Città ed Isola di Corfù.

Sua Altezza Reale il Principe Reggente, che agisce in nome, e da parte di S. M. il Re del Regno Unito della Grande Bretagna ed Irlanda, e gli Augusti Alleati della M. S. si sono graziosamente compiaciuti di nominarmi loro Commissario per ricevere la consegna delle Fortezze, e dell' Isola di Corfù, dalle costituite autorità di Sua Maestà Luigi XVIII., Re di Francia, in virtù della convenzione sottoscritta a Parigi il 23 Aprile passato.

La cessione delle Fortezze, e dell' Isola di Corfù, che sarà fatta alle truppe di S. M. Britannica sotto il mio commando, sarà da me verificata in nome di tutte le Alte Potenze Alleate.

Quindi in relazione a' pieni poteri di cui mi trovo rivestito, e di concerto con Sua Eccellenza il Contr'Ammiraglio Sir John Gore, Commandante la squadra di S. M. Britannica in questi mari ho combinato la cessione delle Fortezze e dell' Isola con Sua Eccellenza il Generale Baron di Boulnois, Commissario di S. M. Cristianissima, costituito regolarmente a Parigi a tale uopo a tenore della suaccennata convenzione.

A senso di quanto fù già stabilito una porzione delle opere militari della piazza, cioè il campo dell' Ascensione, ed il ridotto San Pantaleone, furono quest' oggi occupati dalle truppe della Grande Bretagna sotto il mio commando, e le rimanenti fortificazioni saranno senza ritardo, cedute in progresso, tostocchè sarà eseguito quanto fù combinato per l'imbarco delle truppe di S. M. il Re di Francia a bordo della squadra Francese qui spedita a tale oggetto, ed a bordo de' trasporti Britannici che Sua Eccellenza il Contr'Ammiraglio Sir John Gore, ha offerto a tale oggetti a Sua Eccellenza l'Ammiraglio Francese.

Avendo in tal maniera reso manifesto agli abitanti di ogni classe dell' Isola di Corfù l'oggetto della mia venuta in queste parti, ed i grandi, e felici risultamenti derivati dall' armonia, e dalla pace, che così felicemente esistono in ogni parte dell' Europa, non mi resta altro che dichiarare soltanto per ora la mia ferma determinazione, che nell' esecuzione dell' onorevole incarico confidatomi dal mio Sovrano, e dagli Augusti suoi Alleati sarò per amministrare la più imparziale giustizia, e sarò costantemente guidato da que' principj di onore, d' integrità, e di liberalità, che costituiscono il carattere pubblico e privato della Nazione Britannica.

J. Campbell, Tenente Generale.

Dal mio Quartier-Generale, Corfù,
17 Giugno 1814.

IONIAN ISLANDS.

COPY of or EXTRACTS from CORRESPONDENCE
between the Commander of the Forces during
the Occupation of the Island of *Sicily* by the
British Forces and the Home Government,
relative to the ATTACK which led to the CAP-
TURE and subsequent OCCUPATION of the
IONIAN ISLANDS.

(*Sir Frederic Smith.*)

Ordered, by The House of Commons, to be Printed,
15 February 1864.

T R E A T Y

BETWEEN

HER MAJESTY,

THE EMPEROR OF AUSTRIA,

THE EMPEROR OF THE FRENCH,

THE KING OF PRUSSIA,

AND

THE EMPEROR OF ALL THE RUSSIAS,

RELATIVE TO THE

IONIAN ISLANDS.

Signed at London, November 14, 1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

INDEX.

	Original.	Translation.
	Page	Page
Treaty between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, relative to the Ionian Islands	1	4
Protocol of a Conference held at the Foreign Office, August 1, 1863	3	7

TREATY between Her Majesty, the Emperor of Austria, the
Emperor of the French, the King of Prussia, and the
Emperor of all the Russias, relative to the Ionian Islands.

Signed at London, November 14, 1863.

[*Ratifications exchanged at London, January 2, 1864.*]

Au nom de la très Sainte et Indivisible Trinité.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande ayant fait connaître à Leurs Majestés l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, que l'Assemblée Législative des Etats Unis des Iles Ioniennes, dûment informée de l'intention de Sa Majesté de consentir à l'union de ces Iles au Royaume de Grèce, s'est prononcée unanimement en faveur de cette union; et la condition établie par la dernière clause du Protocole signé par les Plénipotentiaires des Cinq Puissances le 1^r Août dernier se trouvant ainsi remplie, Leurs dites Majestés, savoir, la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, ont résolu de constater par un Traité solennel l'assentiment qu'elles ont donné à cette union, en stipulant les conditions sous lesquelles elle s'effectuera.

A cet effet leurs dites Majestés ont nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Jean Comte Russell, Vicomte Amberley de Amberley et Ardsalla, Pair du Royaume Uni, Chevalier du Très Noble Ordre de la Jarretière, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Son Principal Secrétaire d'Etat pour les Affaires Etrangères;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Comte Felix de Wimpffen, Son Chambellan actuel et Chargé d'Affaires auprès du Gouvernement de Sa Majesté Britannique;

Sa Majesté l'Empereur des Français, le Sieur Camille de Nompère de Champagny, Marquis de Cadore, Son Chambellan et Chargé d'Affaires auprès du Gouvernement de Sa Majesté Britannique;

Sa Majesté le Roi de Prusse, le Sieur Albert, Comte de Bernstorff-Stintenburg, Son Ministre d'Etat et Chambellan, Grand-Croix de Son Ordre de l'Aigle Rouge avec des feuilles de chêne, et Grand Commandeur de Son Ordre de la Maison Royale de Hohenzollern en diamants, Grand-Croix de l'Ordre Ducal de la Branche Ernestine de la Maison de Saxe, et de l'Ordre Impérial de la Légion d'Honneur de France, Chevalier de l'Ordre Impérial de St. Stanislas de Russie de première classe, Grand-Croix de l'Ordre Royal du Mérite Civil de la Couronne de Bavière, de l'Ordre Impérial du Lion et du Soleil de Perse avec le Grand Cordon vert, de l'Ordre Royal et Militaire du Christ de Portugal, Chevalier de l'Ordre Royal de St. Janvier, &c., Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique;

Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe Baron de Brunnow, Son Conseiller Privé Actuel, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, de l'Aigle Rouge de Prusse de première classe, et Commandeur de l'Ordre de St. Etienne d'Autriche, &c., &c., &c.:

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :—

ARTICLE I.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande renonce, sous les conditions ci-dessous spécifiées, au Protectorat des Iles de Corfou, Cephalonie, Zante, Sainte Maure, Ithaque, Cerigo, et Paxo, avec leurs Dépendances, que le Traité signé à Paris le 5 Novembre, 1815, par les Plénipotentiaires de la Grande Bretagne, d'Autriche, de Prusse, et de Russie, a constitué en un seul Etat libre et indépendant, sous la dénomination d'Etats Unis des Iles Ioniennes, placé sous la protection immédiate et exclusive de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ses héritiers et successeurs.

Leurs Majestés l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, acceptent, sous les conditions ci-dessous spécifiées, l'abandon que Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande fait du Protectorat des Etats Unis des Iles Ioniennes; et reconnaissent, conjointement avec Sa Majesté, l'union des dits Etats au Royaume Hellénique.

ARTICLE II.

Les Iles Ioniennes, après leur union au Royaume de Grèce, jouiront des avantages d'une neutralité perpétuelle; et en conséquence, aucune force armée, navale ou militaire, ne pourra jamais être réunie ou stationnée sur le territoire ou dans les eaux de ces Iles, au delà du nombre strictement nécessaire pour maintenir l'ordre public, et pour assurer la perception des revenus de l'Etat.

Les Hautes Parties Contractantes s'engagent à respecter le principe de neutralité stipulé par le présent Article.

ARTICLE III.

Comme conséquence nécessaire de la neutralité dont les Etats Unis des Iles Ioniennes sont appelés ainsi à jouir, les fortifications construites dans l'Ile de Corfou et dans ses dépendances immédiates, étant désormais sans objet, devront être démolies, et leur démolition s'effectuera avant la retraite des troupes employées par la Grande Bretagne à occuper ces Iles en sa qualité de Puissance Protectrice. Cette démolition se fera de la manière que Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande jugera suffisante pour remplir les intentions des Hautes Parties Contractantes.

ARTICLE IV.

La réunion des Iles Ioniennes au Royaume Hellénique n'apportera aucun changement aux avantages acquis à la navigation et au commerce étrangers en vertu de Traités et de Conventions conclus par les Puissances étrangères avec le Gouvernement de Sa Majesté Britannique, en sa qualité de Protectrice des Etats Unis des Iles Ioniennes.

Tous les engagements qui résultent des dites transactions, ainsi que des réglemens actuellement en vigueur, seront maintenus et strictement observés comme par le passé.

En conséquence il est expressément entendu que les bâtimens et le commerce étrangers dans les ports Ioniens, et, réciproquement, les bâtimens et le commerce Ioniens dans les ports étrangers, de même que la navigation entre les ports Ioniens et ceux de la Grèce, continueront à être soumis au même traitement et placés dans les mêmes conditions qu'avant la réunion des Iles Ioniennes à la Grèce.

ARTICLE V.

La réunion des Etats Unis des Iles Ioniennes au Royaume de Grèce n'invalidera en rien les principes établis par la législation existante de ces Iles, en matière de liberté du culte et de tolérance religieuse; conséquemment, les droits et immunités consacrés en matière de religion par les Chapitres I et V de la Charte Constitutionnelle des Etats Unis des Iles Ioniennes, et spécialement la reconnaissance de l'Eglise Grecque Orthodoxe comme religion dominante dans ces Iles; l'entière liberté du culte accordée à l'Eglise de l'Etat de la Puissance Protectrice; et la parfaite tolérance promise aux autres communions Chrétiennes,—seront maintenus après l'union dans toute leur force et valeur.

La protection spéciale garantie à l'Eglise Catholique Romaine, ainsi que les avantages dont elle est présentement en possession, seront également maintenus; et les sujets appartenant à cette communion jouiront dans les Iles Ioniennes de la même liberté de culte qui leur a été reconnue en Grèce par le Protocole du 3 Février, 1830.

Le principe de l'entière égalité civile et politique entre les sujets appartenant aux divers rites, consacré en Grèce par le même Protocole, sera pareillement en vigueur dans les Iles Ioniennes.

ARTICLE VI.

Les Cours de France, de la Grande Bretagne, et de Russie, en leur qualité de Puissances Garantes du Royaume de Grèce, se réservent de conclure un Traité avec le Gouvernement Hellénique sur les arrangements que pourra nécessiter la réunion des Iles Ioniennes à la Grèce.

Les forces militaires de Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande seront retirées du territoire des Etats Unis des Iles Ioniennes dans l'espace de trois mois, ou plus tôt si faire se peut, après la ratification du susdit Traité.

ARTICLE VII.

Les Cours de France, de la Grande Bretagne, et de Russie, s'engagent à communiquer aux Cours d'Autriche et de Prusse le Traité qu'elles auront conclu avec le Gouvernement Hellénique conformément à l'Article précédent.

ARTICLE VIII.

Les Hautes Parties Contractantes conviennent entr'elles, qu'après la mise à exécution des arrangements compris dans le présent Traité, les stipulations du Traité du 5 Novembre, 1815, conclu entre les Cours de la Grande Bretagne, d'Autriche, de Prusse, et de Russie, relatif aux Etats Unis des Iles Ioniennes, cesseront d'être en vigueur, à l'exception de la clause par laquelle les Cours d'Autriche, de Prusse, et de Russie ont renoncé à tout droit ou prétention particulière qu'elles pourraient avoir sur toutes ou sur quelques unes des Iles ou de leurs dépendances, reconnues par le Traité du 5 Novembre, 1815, comme formant un seul Etat libre et indépendant, sous la dénomination des Etats Unis des Iles Ioniennes. Par le présent Traité Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, renouvellent et confirment la dite renonciation en leur nom, pour leurs héritiers et leurs successeurs.

ARTICLE IX.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres dans le délai de six semaines, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Londres, le quatorze Novembre, l'an de grâce mil huit cent soixante-trois.

(L.S.)	RUSSELL.
(L.S.)	WIMPFEN.
(L.S.)	CADORE.
(L.S.)	BERNSTORFF.
(L.S.)	BRUNNOW.

Protocole de la Conférence tenue au Foreign Office, le 1er Août, 1863.

Présens :

Les Plénipotentiaires d'Autriche ;
de France ;
de la Grande Bretagne ;
de Prusse ; et
de Russie.

LE Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères a exposé les raisons qui déterminent le Gouvernement de Sa Majesté à s'entendre avec les Cours d'Autriche, de France, de Prusse, et de Russie sur la révision du Traité du 5 Novembre, 1815, en vertu duquel les Iles Ioniennes ont été placées sous la protection immédiate et exclusive de la Grande Bretagne.

Animé du désir de consolider par de nouveaux arrangements le bien-être des populations confiées jusqu'ici à sa sollicitude, le Gouvernement de Sa Majesté Britannique considérerait

la réunion des Iles Ioniennes au Royaume Hellénique comme la solution la plus conforme aux intérêts mutuels des deux pays, liés entr'eux par une communauté d'origine et de croyance religieuse.

Les Représentants d'Autriche, de France, de Prusse, et de Russie ont déclaré :—

Que leurs Cours reconnaissent unanimement au Gouvernement de Sa Majesté Britannique le droit de renoncer à l'exercice du Protectorat exclusif établi par le Traité du 5 Novembre, 1815 :

Qu'elles sont disposées à accorder leur assentiment et à prêter leur concours à la réunion des Iles Ioniennes au Royaume Hellénique, si les vœux du Parlement Ionien se prononcent en faveur de ce plan :

Qu'elles réservent au Gouvernement de Sa Majesté Britannique de consulter à ce sujet les Représentants de l'Etat Septinsulaire :

Qu'après avoir acquis la certitude de l'adhésion de cette Assemblée, les Cours d'Autriche, de France, de Prusse, et de Russie se déclareront prêtes à se concerter avec le Gouvernement de Sa Majesté Britannique sur la rédaction définitive du Traité destiné à placer l'arrangement proposé sous la sanction d'un acte Européen.

(Signé)

APPONYI.

BON. GROS.

RUSSELL.

BERNSTORFF.

BRUNNOW.

(Translation.)

In the name of the Most Holy and Indivisible Trinity.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland having made known to their Majesties the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, that the Legislative Assembly of the United States of the Ionian Islands, having been duly informed of the intention of Her Majesty to consent to the union of those Islands to the Kingdom of Greece, has unanimously pronounced in favour of that union; and the condition prescribed by the last clause of the Protocol signed by the Plenipotentiaries of the Five Powers on the 1st of August last being thus fulfilled; their said Majesties, that is to say, the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, have resolved to record in a solemn Treaty the assent which they have given to that union, stipulating at the same time the conditions under which it shall be effected.

For this purpose their said Majesties have named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Arsalla, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Britannic Majesty's Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs ;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Count Felix de Wimpffen, His actual Chamberlain, and Chargé d'Affaires to the Government of Her Britannic Majesty ;

His Majesty the Emperor of the French, the Sieur Camille de Nompère de Champagny, Marquis de Cadore, His Chamberlain, and Chargé d'Affaires to the Government of Her Britannic Majesty ;

His Majesty the King of Prussia, the Sieur Albert Count de Bernstorff-Stintenburg, His Minister of State and Chamberlain, Grand Cross of His Order of the Red Eagle with oak leaves, and Grand Commander of His Order of the Royal House of Hohenzollern in diamonds, Grand Cross of the Ducal Order of the Ernestine Branch of the House of Saxony, and of the Imperial Order of the Legion of Honour of France, Knight of the Imperial Order of St. Stanislaus of Russia of the first class, Grand Cross of the Royal Order of Civil Merit of the Crown of Bavaria, of the Imperial Order of the Lion and Sun of Persia with the Green Grand Cordon, of the Royal and Military Order of Christ of

Portugal, Knight of the Royal Order of St. Januarius, &c., His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty;

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His actual Privy Councillor, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Knight of the Orders of Russia, Grand Cross of the Imperial Order of the Legion of Honour, of the Red Eagle of Prussia of the first class, and Commander of the Order of St. Stephen of Austria, &c.;

Who, after having exchanged their full powers, found in good and due form, have concluded and signed the following Articles:—

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland renounces, on the conditions hereinafter specified, the Protectorate over the Islands of Corfu, Cephalonia, Zante, Santa Maura, Ithaca, Cerigo, and Paxo, with their dependencies, which, by the Treaty signed at Paris on the 5th of November, 1815, by the Plenipotentiaries of Great Britain, Austria, Prussia, and Russia, were constituted a single free and independent State, under the denomination of the United States of the Ionian Islands, placed under the immediate and exclusive protection of His Majesty the King of the United Kingdom of Great Britain and Ireland, his heirs and successors.

Their Majesties the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, accept, on the conditions hereinafter specified, the renunciation by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland of the Protectorate of the Ionian Islands; and, in conjunction with Her Majesty, recognize the union of the said States with the Hellenic Kingdom.

ARTICLE II.

The Ionian Islands, after their union to the Kingdom of Greece, shall enjoy the advantages of a perpetual neutrality; consequently no armed force, either naval or military, shall at any time be assembled or stationed upon the territory or in the waters of those Islands, beyond the number that may be strictly necessary for the maintenance of public order, and to secure the collection of the public revenue.

The High Contracting Parties engage to respect the principle of neutrality stipulated by the present Article.

ARTICLE III.

As as a necessary consequence of the neutrality to be thus enjoyed by the United States of the Ionian Islands, the fortifications constructed in the Island of Corfu and its immediate dependencies, having no longer any object, shall be demolished, and the demolition thereof shall be effected previously to the withdrawal of the troops employed by Great Britain for the occupation of those Islands in her character as Protecting Power. This demolition shall take place in such manner as Her Majesty the Queen of the United Kingdom of Great Britain shall deem sufficient to fulfil the intentions of the High Contracting Parties.

ARTICLE IV.

The union of the Ionian Islands to the Hellenic Kingdom shall not involve any change as to the advantages conceded to foreign commerce and navigation in virtue of Treaties and Conventions concluded by foreign Powers with the Government of Her Britannic Majesty, in her character of Protector of the United States of the Ionian Islands.

All the engagements which result from the said transactions, as well as from the regulations actually in force, shall be maintained and strictly observed as hitherto.

In consequence, it is expressly understood that foreign vessels and commerce in Ionian ports, and, reciprocally, Ionian vessels and commerce in foreign ports, as well as the navigation between Ionian ports and the ports of Greece, shall continue to be subject to the same treatment, and placed under the same conditions, as before the union of the Ionian Islands to Greece.

ARTICLE V.

The union of the United States of the Ionian Islands to the Kingdom of Greece shall in no wise invalidate the principles established by the existing legislation of those Islands with regard to freedom of worship and religious toleration; accordingly the rights and immunities established in matters of religion by Chapters 1 and 5 of the Constitutional

Charter of the United States of the Ionian Islands, and specifically the recognition of the Orthodox Greek Church as the dominant religion in those Islands; the entire liberty of worship granted to the Established Church of the Protecting Power; and the perfect toleration promised to other Christian communions,—shall, after the union, be maintained in their full force and effect.

The special protection guaranteed to the Roman Catholic Church, as well as the advantages of which that Church is actually in possession, shall be equally maintained; and the subjects belonging to that communion shall enjoy in the Ionian Islands the same freedom of worship which is recognized in their favour by the Protocol of the 3rd of February, 1830.

The principle of entire civil and political equality between subjects belonging to different creeds, established in Greece by the same Protocol, shall be likewise in force in the Ionian Islands.

ARTICLE VI.

The Courts of France, Great Britain, and Russia, in their character of Guaranteeing Powers of the Kingdom of Greece, reserve to themselves to conclude a Treaty with the Hellenic Government with regard to the arrangements which may be rendered necessary by the union of the Ionian Islands to Greece.

The military forces of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland shall be withdrawn from the territory of the United States of the Ionian Islands in three months, or sooner if possible, after the ratification of the said Treaty.

ARTICLE VII.

The Courts of France, Great Britain, and Russia engage to communicate to the Courts of Austria and Prussia the Treaty which they shall have concluded with the Hellenic Government in conformity with the preceding Article.

ARTICLE VIII.

The High Contracting Parties agree that from and after the coming into operation of the arrangements comprised in the present Treaty, the stipulations of the Treaty of the 5th of November, 1815, concluded between the Courts of Great Britain, Austria, Prussia, and Russia, relative to the United States of the Ionian Islands, shall cease to be in force, with the exception of the clause whereby the Courts of Austria, Prussia, and Russia renounced every right or particular pretension which they might have formed in respect to all or any of those Islands or their dependencies, recognized by the Treaty of the 5th of November, 1815, as forming a single free and independent State under the denomination of the United States of the Ionian Islands. By the present Treaty their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, renew and confirm the said renunciation in their name, for their heirs and successors.

ARTICLE IX.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the fourteenth day of November, in the year of Our Lord one thousand eight hundred and sixty-three.

(L.S.)	RUSSELL.
(L.S.)	WIMPFEN.
(L.S.)	CADORE.
(L.S.)	BERNSTORFF.
(L.S.)	BRUNNOW.

Protocol of the Conference held at the Foreign Office, August 1, 1863.

Present:

The Plenipotentiaries of Austria ;
 France ;
 Great Britain ;
 Prussia ; and
 Russia.

THE Principal Secretary of State of Her Britannic Majesty explained the reasons which induce the Government of Her Majesty to come to an understanding with the Courts of Austria, France, Prussia, and Russia as to the revision of the Treaty of the 5th of November, 1815, in virtue of which the Ionian Islands were placed under the immediate and exclusive protection of Great Britain.

Animated by the desire to consolidate by new arrangements the welfare of the people hitherto confided to its care, the Government of Her Britannic Majesty would consider the union of the Ionian Islands to the Hellenic Kingdom as the solution most conformable to the mutual interests of the two countries, connected with each other by community of origin and of religious belief.

The Representatives of Austria, France, Prussia, and Russia declared :—

That their Courts unanimously acknowledge the right of the Government of Her Britannic Majesty to renounce the exercise of the exclusive Protectorate established by the Treaty of the 5th of November, 1815 :

That they are disposed to grant their assent and to lend their support to the union of the Ionian Islands to the Hellenic Kingdom, if the wish of the Ionian Parliament should be pronounced in favour of that plan :

That they reserve to the Government of Her Britannic Majesty to consult the Representatives of the Septinsular State on this subject :

That after having obtained certain knowledge of the assent of that Assembly, the Courts of Austria, France, Prussia, and Russia will declare themselves ready to come to an agreement with the Government of Her Britannic Majesty with regard to the definitive terms of the Treaty destined to place the proposed arrangement under the sanction of a European Act.

(Signed)

APPONYI.
 BON. GROS.
 RUSSELL.
 BERNSTORFF.
 BRUNNOW.

IONIAN ISLANDS.

TREATY between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, relative to the Ionian Islands.

Signed at London, November 14, 1863.

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

LONDON :

PRINTED BY HARRISON AND SONS.

CONVENTION

BETWEEN

HER MAJESTY

AND THE

KING OF THEHELLENES,

RESPECTING THE

CLAIMS OF BRITISH SUBJECTS

AND OTHERS

FOR

SERVICES IN THE IONIAN ISLANDS.

Signed at London, March 29, 1864.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

CONVENTION between Her Majesty and the King of the Hellenes,
respecting the Claims of British Subjects and others for
Services in the Ionian Islands.

Signed at London, March 29, 1864.

[*Ratifications exchanged at London, April 25, 1864.*]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Hellenes, being desirous to make arrangements with regard to the claims of British subjects and other individuals in respect of services rendered to the Government of the United States of the Ionian Islands while those States were under the Protection of Her Britannic Majesty, have agreed to conclude a Convention for that purpose, and have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Majesty's Most Honourable Privy Council, Her Principal Secretary of State for Foreign Affairs :

And His Majesty the King of the Hellenes, the Sieur Charilaüs S. Tricoupi, a Member of the National Assembly of the Hellenes ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

Whereas pensions have been granted at various times to British subjects by the Ionian Government, or are at the present moment about to be granted, in pursuance of the established rules in force in the Ionian Islands on the subject of pensions ; and whereas the amount of such pensions is seven thousand four hundred and three pounds eight shillings and four pence sterling a-year, as by the Schedule A hereto annexed, His Majesty the King of the Hellenes agrees that, after provision shall have been

[188]

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Hellènes, désirant faire des arrangements relatifs aux prétentions de sujets Britanniques et autres individus à raison de services rendus au Gouvernement des Etats Unis des Iles Ioniennes pendant que ces Etats se trouvaient sous la protection de Sa Majesté Britannique, ont résolu de conclure une Convention à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Jean Comte Russell, Vicomte Amberley de Amberley et Ardsalla, Pair du Royaume Uni, Chevalier du Très Noble Ordre de la Jarretière, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Son Principal Secrétaire d'Etat pour les Affaires Etrangères ;

Et Sa Majesté le Roi des Hellènes, le Sieur Charilaüs S. Tricoupi, Représentant à l'Assemblée Nationale des Hellènes ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivants :—

ARTICLE I.

Considérant qu'à différentes époques des pensions ont été accordées à des sujets Britanniques par le Gouvernement Ionien, ou qu'elles vont être accordées actuellement, en conformité aux règles établies aux Iles Ioniennes en matière de pensions ; allocations dont le total s'élève à la somme de sept mille quatre cent trois livres, huit schellings, et quatre pence sterling par an, d'après la Liste A ci-annexée, Sa Majesté le Roi des Hellènes promet, qu'après avoir pourvu au paiement de la somme de dix

B 2

made for the sum of ten thousand pounds sterling a-year, mentioned in Article V of the Treaty signed on this day between Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias on the one part, and His Majesty the King of the Hellenes on the other part, the said amount shall form the next charge upon the Customs revenue of Corfu and of the other Ionian Islands, and shall be paid by half-yearly instalments to Her Britannic Majesty's Consul at Corfu, for the purpose of being paid in detail to the several persons entitled to the said pensions.

And whereas it has become necessary to grant compensation allowances to certain other persons now in the service of the Ionian Government, who will lose their respective employments in consequence of the union of the Ionian Islands with Greece; and whereas such allowances amount to three thousand two hundred and seventy-two pounds twelve shillings sterling a-year, as by the Schedule B hereto annexed; His Majesty the King of the Hellenes agrees that the said amount shall form a charge upon the revenues of the Kingdom of Greece, and shall be paid by half-yearly instalments to Her Britannic Majesty's Minister at Athens, for the purpose of being paid in detail to the several persons entitled to the said compensation allowances.

These several pensions and allowances shall become chargeable to and payable by the Government of Greece from and after the cessation of British authority in the Ionian Islands; and accordingly the first payments shall be made to Her Britannic Majesty's Consul at Corfu and to Her Britannic Majesty's Minister at Athens ten days before the 31st of March, 30th of June, 30th of September, or 31st of December, which may next follow the day of the cessation of British authority in the Ionian Islands; and afterwards the payments shall be made ten days before the expiration of every subsequent half-year.

And whereas certain Ionian subjects are in the enjoyment of pensions granted to them for services under the Ionian Government, His Majesty the King of the Hellenes undertakes that their rights to such pensions shall be respected, and that they shall duly continue to receive the same. The British Minister at Athens, after receiving a list of such pensions from the Lord High Commissioner of Her Britannic Majesty, shall deliver the same to the Minister for Foreign Affairs of Greece, and no Ionian subject shall have a claim upon His Hellenic Majesty on account of being at present in the

mille livres sterling par an, mentionnée à l'Article V du Traité signé aujourd'hui entre Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, l'Empereur des Français, et l'Empereur de toutes les Russies, d'une part, et Sa Majesté le Roi des Hellènes de l'autre part, la susdite allocation constituera la seconde charge à prélever sur les revenus de la douane de Corfou et des autres Iles Ioniennes, payable par semestre au Consul de Sa Majesté Britannique à Corfou, pour être répartie parmi les individus appelés à jouir de ces pensions.

Prenant également en considération la nécessité d'accorder des indemnités à certains autres individus actuellement au service du Gouvernement Ionien, lesquels perdront leurs emplois respectifs par suite de l'union des Iles Ioniennes à la Grèce; allocation dont le total s'élève à trois mille deux cent soixante-douze livres, douze schellings sterling par an, d'après la Liste B ci-annexée; Sa Majesté le Roi des Hellènes promet que la dite somme sera prise à la charge des revenus du Royaume de Grèce, et qu'elle sera versée, par semestre, entre les mains du Ministre de Sa Majesté Britannique à Athènes, pour être répartie parmi les individus appelés à participer à ces indemnités.

Les dites pensions et indemnités seront payables à la charge du Gouvernement Hellénique, après la cessation de l'autorité Britannique aux Iles Ioniennes. En conséquence les premiers paiements dûs au Consul de Sa Majesté Britannique à Corfou, et au Ministre de Sa Majesté Britannique à Athènes, devront être effectués dix jours avant la date du 31 Mars, du 30 Juin, du 30 Septembre, ou du 31 Décembre, date qui viendra à échoir après le jour où cessera l'autorité Britannique aux Iles Ioniennes. Subséquemment ces paiements se feront dix jours avant l'échéance de chaque semestre.

Considérant enfin que plusieurs sujets Ioniens jouissent de pensions qui leur ont été accordées en rémunération de services rendus au Gouvernement Ionien, Sa Majesté le Roi des Hellènes s'engage à faire respecter le droit des titulaires, de manière à ce qu'ils continuent à toucher dûment ces pensions. Le Ministre Britannique à Athènes, après avoir reçu du Lord Haut Commissaire de Sa Majesté Britannique la liste de ces pensions, la remettra au Ministre des Affaires Etrangères de Grèce. Aucun sujet Ionien n'aura à réclamer de Sa Majesté Hellénique une pension, en pré-

enjoyment of any pension, unless the same be included in such list.

tendant qu'il y avait actuellement droit, à moins que son nom n'ait été porté sur la dite liste.

SCHEDULE A.

Persons entitled to pensions from the revenues of the Ionian Islands:—

Name.	Amount.		
	£	s.	d.
Baker, Henry	554	3	2
Barr, E. F.	500	0	0
Blair, William	710	0	0
Boyd, A. F.	416	13	4
Cologan, J. B.	135	0	0
Colthurst, Captain	97	10	0
Falcona, James	115	6	8
Fraser, Sir J.	510	0	0
Gisborne, T. J.	382	10	0
Hatton, Charles	80	13	9
Hunter, James	66	13	4
Hunter, John	200	0	0
Kirkpatrick, John	732	10	0
Lawrence, Captain	150	0	0
Marchis, Giovanni	39	10	0
Peas, Thomas	30	0	0
Raqueneau, Captain	351	12	3
Reid, Captain	191	12	6
Reid, Sir James	710	0	0
Reynolds, W. L.	238	6	8
Stenhouse, Robert	190	13	4
Stevens, G. A.	29	5	0
Stevens, George	135	0	0
Stevens, Richard	158	13	4
Thompson, Lieutenant	16	5	0
Wilson, J.	24	0	0
Woodhouse, James	637	10	0

£7,403 8 4

SCHEDULE B.

Persons whose allowances for loss of office are to be payable by the Greek Government to Her Britannic Majesty's Minister at Athens:—

Name.	Amount.		
	£	s.	d.
Baker, Dr. B.	199	6	8
Coccatto, Stelio	25	0	0
Colquhoun, Sir P.	576	13	4
Debiasi, Venerando	12	2	8
Debiasi, Vincenzo	13	13	0
Dendin, Stamato	9	2	0
Deverell, William	66	13	4
D'Everton, Baron (Charles Sebright)	283	6	8
Forrest, Captain	60	0	0
Guiffé, Dom	23	8	0
Greenwood, James	16	13	4
Lane, Cecil	166	13	4
Lazzaro, Spiro	11	14	0
Minari, Vassili	12	2	8
Murray, Captain	150	0	0
Montanini, Captain	37	10	0
Ongaro, Alberto	18	15	0
Paoli, Ruggieri de	12	2	8
Permis, Ferdinando	13	13	0
Quinland, James	60	0	0
Sargent, Sir Charles	576	13	4
Sella, Salvatore	12	2	8
Stegni, Giuseppe	13	13	0
Torrini, Matthew	75	0	0
Wodehouse, Colonel Honourable B.	250	0	0
Wolff, Sir H. D.	576	13	4

£3,272 12 0

TABLE A.

Liste des individus appelés à toucher des pensions sur les revenus des Iles Ioniennes:—

Nom.	Allocation.		
	£	s.	d.
Baker, Henry	554	3	2
Barr, E. F.	500	0	0
Blair, William	710	0	0
Boyd, A. F.	416	13	4
Cologan, J. B.	135	0	0
Colthurst, Captain	97	10	0
Falcona, James	115	6	8
Fraser, Sir J.	510	0	0
Gisborne, T. J.	382	10	0
Hatton, Charles	80	13	9
Hunter, James	66	13	4
Hunter, John	200	0	0
Kirkpatrick, John	732	10	0
Lawrence, Captain	150	0	0
Marchis, Giovanni	39	10	0
Peas, Thomas	30	0	0
Raqueneau, Captain	351	12	3
Reid, Captain	191	12	6
Reid, Sir James	710	0	0
Reynolds, W. L.	238	6	8
Stenhouse, Robert	190	13	4
Stevens, G. A.	29	5	0
Stevens, George	135	0	0
Stevens, Richard	158	13	4
Thompson, Lieutenant	16	5	0
Wilson, J.	24	0	0
Woodhouse, James	637	10	0

£7,403 8 4

TABLE B.

Liste des individus lesquels, en compensation de la perte de leurs emplois, auront à recevoir une indemnité, payable par le Gouvernement Grèce au Ministre de Sa Majesté Britannique à Athènes:—

Nom.	Allocation.		
	£	s.	d.
Baker, Dr. B.	199	6	8
Coccatto, Stelio	25	0	0
Colquhoun, Sir P.	576	13	4
Debiasi, Venerando	12	2	8
Debiasi, Vincenzo	13	13	0
Dendin, Stamato	9	2	0
Deverell, William	66	13	4
D'Everton, Baron (Charles Sebright)	283	6	8
Forrest, Captain	60	0	0
Guiffé, Dom	23	8	0
Greenwood, James	16	13	4
Lane, Cecil	166	13	4
Lazzaro, Spiro	11	14	0
Minari, Vassili	12	2	8
Murray, Captain	150	0	0
Montanini, Captain	37	10	0
Ongaro, Alberto	18	15	0
Paoli, Ruggieri de	12	2	8
Permis, Ferdinando	13	13	0
Quinland, James	60	0	0
Sargent, Sir Charles	576	13	4
Sella, Salvatore	12	2	8
Stegni, Giuseppe	13	13	0
Torrini, Matthew	75	0	0
Wodehouse, Colonel Honourable B.	250	0	0
Wolff, Sir H. D.	576	13	4

£3,272 12 0

Besides the foregoing annual allowances, there shall be paid to the persons mentioned below, as compensation for the abolition of their offices, the amount of their salaries for one year, that is to say :—

Alexander, Otho	..	..	..	..	£ 52
Bulwer, Henry	..	..	..	..	300
Thomas, —	..	..	..	..	78
					430

ARTICLE II.

In the month of January of every year the Minister of Her Britannic Majesty at Athens shall deliver to the Minister for Foreign Affairs of His Majesty the King of the Hellenes, a list of the persons entitled to pensions and compensations in virtue of the preceding Article. In preparing such list there shall be withdrawn from the list of the preceding year the names of such persons as shall have died, and also the names of such persons as shall have accepted offices from the Crown of Great Britain to the full amount of the pension or compensation to which they are entitled; and deduction shall moreover be made from the amount of pension or compensation to be paid to other persons left on the list, of the amount of salary due to them in respect of any offices to which they may have been appointed, which yield an income less than the full amount of the allowances due to them.

ARTICLE III.

The present Convention shall be ratified, and the ratifications shall be exchanged at London at the same time as the ratifications of the Treaty of this day.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and sixty-four.

(L.S.) RUSSELL.
(L.S.) CH. TRICOUPI

Outre les allocations annuelles qui précèdent, il sera payé aux personnes ci-dessous spécifiées, à titre de compensation de l'abolition de leurs emplois, le montant de leurs salaires pour une année, savoir :—

Alexander, Otho	..	..	..	..	£ 52
Bulwer, Henry	..	..	..	..	300
Thomas, —	..	..	..	..	78
					430

ARTICLE II.

Dans le mois de Janvier de chaque année le Ministre de Sa Majesté Britannique à Athènes remettra au Ministre des Affaires Etrangères de Sa Majesté le Roi des Hellènes une liste des ayants-droit à des pensions et à des indemnités en vertu de l'Article précédent. En préparant cette liste on retranchera de celle de l'année précédente les noms des personnes qui seront décédées, et aussi de celles qui auront accepté de la Couronne Britannique des emplois dont la rétribution atteigne le montant entier de la pension ou de l'indemnité à laquelle ils ont droit. En outre, le montant de la pension ou de l'indemnité des personnes dont les noms seront conservés sur la liste sera réduit du montant des salaires qui seraient dûs à ces personnes pour des emplois auxquels ils auraient été nommés, et dont la rétribution serait moindre que le montant entier des allocations qui leur sont dues.

ARTICLE III.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Londres en même temps que les ratifications du Traité de ce jour.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Londres, le vingt-neuf Mars, de l'an de grâce mil huit cent soixante-quatre.

(L.S.) RUSSELL.
(L.S.) CH. TRICOUPI

GREECE.

Convention between Her Majesty and the King of the Hellenes, respecting the Claims of British Subjects and others for Services in the Ionian Islands.

Signed at London, March 29, 1864.

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

LONDON :

PRINTED BY HARRISON AND SONS.

TREATY
BETWEEN
HER MAJESTY,
THE
EMPEROR OF THE FRENCH,
AND THE
EMPEROR OF RUSSIA,
ON THE ONE PART,
AND THE
KING OF THE HELLENES
ON THE OTHER PART,
RESPECTING THE
UNION OF THE IONIAN ISLANDS TO
THE KINGDOM OF GREECE.

Signed at London, March 29, 1864.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

TREATY between Her Majesty, the Emperor of the French, and the Emperor of Russia, on the one part, and the King of the Hellenes on the other part, respecting the Union of the Ionian Islands to the Kingdom of Greece.

Signed at London, March 29, 1864.

[Ratifications exchanged at London, April 25, 1864.]

Au Nom de la très Sainte et Indivisible Trinité.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande a fait connaître à l'Assemblée Législative des Etats Unis des Iles Ioniennes, qu'en vue de réunir éventuellement ces Iles au Royaume de Grèce, Elle était prête, si le Parlement Ionien en exprimait le vœu, à faire abandon du Protectorat de ces Iles, confié à Sa Majesté par le Traité conclu à Paris le 5 Novembre, 1815, entre les Cours de la Grande Bretagne, d'Autriche, de Prusse, et de Russie. Ce vœu ayant été manifesté par un vote de la dite Assemblée Législative, rendu à l'unanimité des voix le 17^e Octobre, 1863, Sa Majesté Britannique a consenti, par l'Article I du Traité conclu le 14 Novembre, 1863, entre Sa Majesté, l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, à renoncer au dit Protectorat, sous de certaines conditions spécifiées dans le Traité précité, et définies depuis lors par les Protocoles subséquents.

De leur côté, Leurs Majestés l'Empereur d'Autriche, l'Empereur des Français, le Roi de Prusse, et l'Empereur de toutes les Russies, ont consenti par le même Article et sous les mêmes conditions à accepter cette renonciation, et à reconnaître, conjointement avec Sa Majesté Britannique, l'union de ces Iles au Royaume de Grèce.

En vertu de l'Article V du Traité signé à Londres le 13 Juillet, 1863, il a été convenu en outre, d'un commun accord, entre Sa Majesté Britannique et Leurs Majestés l'Empereur des Français et l'Empereur de toutes les Russies, que les Iles Ioniennes, lorsque leur réunion au Royaume de Grèce aurait été effectuée, comme l'Article IV du même Traité l'a prévu, seraient comprises dans la garantie stipulée en faveur de la Grèce par les Cours de la Grande Bretagne, de France, et de Russie, en vertu de la Convention signée à Londres, le 7 Mai, 1832.

En conséquence, d'accord avec les stipulations du Traité du 13 Juillet, 1863, et conformément aux termes de l'Article VI du Traité du 14 Novembre, 1863, par lequel les Cours de la Grande Bretagne, de France, et de Russie, en leur qualité de Puissances garantes du Royaume de Grèce, se sont réservé de conclure un Traité avec le Gouvernement Hellénique sur les arrangements que pourra nécessiter la réunion des Iles Ioniennes à la Grèce, Leurs dites Majestés ont résolu de procéder à négocier avec Sa Majesté le Roi des Hellènes un Traité, à l'effet de mettre à exécution les stipulations ci-dessus mentionnées.

Sa Majesté le Roi des Hellènes ayant donné son assentiment à la conclusion de ce Traité, Leurs dites Majestés ont nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Jean Comte Russell, Vicomte Amberley de Amberley et Ardsalla, Pair du Royaume Uni, Chevalier du Très Noble Ordre de la Jarretière, Conseiller de Sa Majesté Britannique en Son Conseil Privé, Son Principal Secrétaire d'Etat pour les Affaires Etrangères ;

Sa Majesté l'Empereur des Français, le Sieur Godefroy, Bernard, Henry, Alphonse, Prince de la Tour d'Auvergne Lauraguais, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Grand Officier de l'Ordre Impérial de la Légion d'Honneur,

Grand-Croix de l'Ordre de l'Aigle Rouge de Prusse, Grand-Croix de l'Ordre des Saints Maurice et Lazare, &c., &c., &c. ;

Sa Majesté l'Empereur de toutes les Russies, le Sieur Philippe Baron de Brunnow, Son Conseiller Privé Actuel, Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Britannique, Chevalier des Ordres de Russie, Grand-Croix de l'Ordre Impérial de la Légion d'Honneur, et Grand-Croix de l'Ordre du Sauveur de Grèce, &c., &c., &c. ;

Et Sa Majesté le Roi des Hellènes, le Sieur Charilaüs S. Tricoupi, Représentant à l'Assemblée Nationale des Hellènes ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :—

ARTICLE I.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, désirant réaliser le vœu que l'Assemblée Législative des Etats Unis des Iles Ioniennes a exprimé de voir ces Iles réunies à la Grèce, a consenti, sous les conditions spécifiées ci-après, à renoncer au Protectorat des Iles de Corfou, Céphalonie, Zante, Sainte Maure, Ithaque, Cerigo, et Paxo, avec leurs dépendances, lesquelles, en vertu du Traité signé à Paris le 5 Novembre, 1815, par les Plénipotentiaires de la Grande Bretagne, d'Autriche, de Prusse, et de Russie, ont été constituées en un seul Etat libre et indépendant sous la dénomination "d'Etats Unis des Iles Ioniennes," placé sous la protection immédiate et exclusive de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ses héritiers et successeurs.

En conséquence, Sa Majesté Britannique, Sa Majesté l'Empereur des Français, et Sa Majesté l'Empereur de toutes les Russies, en leur qualité de signataires de la Convention du 7 Mai, 1832, reconnaissent cette union, et déclarent que la Grèce, dans les limites déterminées par l'arrangement conclu à Constantinople entre les Cours de la Grande Bretagne, de France, et de Russie, avec la Porte Ottomane le 21 Juillet, 1832—y compris les Iles Ioniennes—formera un Etat Monarchique, indépendant, et constitutionnel, sous la Souveraineté de Sa Majesté le Roi George, et sous la garantie des trois Cours.

ARTICLE II.

Les Cours de la Grande Bretagne, de France, et de Russie, en leur qualité de Puissances garantes de la Grèce, déclarent, avec l'assentiment des Cours d'Autriche et de Prusse, que les Iles de Corfou et de Paxo, ainsi que leurs dépendances, après leur réunion au Royaume Hellénique, jouiront des avantages d'une neutralité perpétuelle.

Sa Majesté le Roi des Hellènes s'engage, de son côté, à maintenir cette neutralité.

ARTICLE III.

La réunion des Iles Ioniennes au Royaume Hellénique n'apportera aucun changement aux avantages concédés au commerce et à la navigation étrangers, en vertu de Traités et de Conventions conclus par les Puissances étrangères avec Sa Majesté Britannique, en sa qualité de Protectrice des Iles Ioniennes.

Tous les engagements qui résultent des dites transactions, ainsi que des réglemens y relatifs, actuellement en vigueur, seront maintenus et strictement observés comme par le passé.

En conséquence il est expressément entendu que les bâtimens et le commerce étrangers dans les ports Ioniens, de même que la navigation entre les ports Ioniens et ceux de la Grèce, continueront à être soumis au même traitement et placés dans les mêmes conditions qu'avant la réunion des Iles Ioniennes à la Grèce; et cela jusqu'à la conclusion de nouvelles Conventions formelles ou d'arrangements destinés à régler entre les parties intéressées les questions de commerce, de navigation, ainsi que celles du service régulier des communications postales.

Ces nouvelles Conventions seront conclues dans le délai de quinze ans, ou plus tôt si faire se peut.

ARTICLE IV.

La réunion des Etats Unis des Iles Ioniennes au Royaume de Grèce n'invalidera en rien les principes établis par la législation existante de ces Iles, en matière de liberté du culte et de tolérance religieuse; conséquemment, les droits et immunités consacrés en matière de religion par les Chapitres I et V de la Charte Constitutionnelle des Etats Unis des Iles Ioniennes, et spécialement la reconnaissance de l'Eglise Grecque Orthodoxe comme religion dominante dans ces Iles ; l'entière liberté du culte accordée à l'Eglise de l'Etat de

la Puissance protectrice ; et la parfaite tolérance promise aux autres communions Chrétiennes,—seront maintenus après l'union dans toute leur force et valeur.

La protection spéciale garantie à l'Eglise Catholique Romaine, ainsi que les avantages dont elle est présentement en possession, seront également maintenus ; et les sujets appartenant à cette communion jouiront dans les Iles Ioniennes de la même liberté de culte qui leur a été reconnue en Grèce par le Protocole du 3 Février, 1830.

Le principe de l'entière égalité civile et politique entre les sujets appartenant aux divers rites, consacré en Grèce par le même Protocole, sera pareillement en vigueur dans les Iles Ioniennes.

ARTICLE V.

L'Assemblée Législative des Etats Unis des Iles Ioniennes a décrété par une Résolution rendue le $\frac{17}{9}$ Octobre, 1863, que la somme de dix mille livres sterling par an serait affectée, en paiements mensuels, à l'augmentation de la Liste Civile de Sa Majesté le Roi des Hellènes, de manière à constituer la première charge à prélever sur la recette des Iles Ioniennes, à moins qu'il ne soit pourvu à ce paiement, suivant les formes constitutionnelles, sur les revenus du Royaume de Grèce.

En conséquence, Sa Majesté le Roi des Hellènes s'engage à mettre ce Décret duement à exécution.

ARTICLE VI.

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur des Français, et Sa Majesté l'Empereur de toutes les Russies, sont convenues de faire abandon, en faveur de Sa Majesté le Roi George I, chacune de quatre mille livres sterling par an, sur les sommes que le Trésor Grec s'est engagé à payer annuellement à chacune d'elles, en vertu de l'arrangement conclu à Athènes par le Gouvernement Grec, avec le concours des Chambres Grecques, au mois de Juin 1860.

Il est expressément entendu que ces trois sommes, formant un total de douze mille livres sterling annuellement, seront destinées à constituer une dotation personnelle de Sa Majesté le Roi George I, en sus de la Liste Civile fixée par la loi de l'Etat. L'avènement de Sa Majesté au Trône Hellénique n'apportera d'ailleurs aucun changement aux engagements financiers que la Grèce a contractés par l'Article XII de la Convention du 7 Mai, 1832, envers les Puissances garantes de l'emprunt, ni à l'exécution de l'engagement pris par le Gouvernement Hellénique, au mois de Juin 1860, sur la représentation des trois Cours.

ARTICLE VII.

Sa Majesté le Roi des Hellènes s'engage à prendre à sa charge tous les engagements et contrats légalement conclus par le Gouvernement des Etats Unis des Iles Ioniennes, ou en leur nom par la Puissance protectrice de ces Iles, conformément à la Constitution des Iles Ioniennes, soit avec des Gouvernements étrangers, soit avec des Compagnies et Associations, soit avec des individus privés ; et promet de remplir les dits engagements et contrats dans toute leur étendue, comme s'ils avaient été conclus par Sa Majesté ou par le Gouvernement Hellénique. Dans cette catégorie se trouvent spécialement compris : la dette publique des Iles Ioniennes ; les privilèges concédés à la Banque Ionienne, à la Compagnie Maritime connue sous le nom de Lloyds Autrichien, conformément à la Convention Postale du 1 Décembre, 1853, et à la Compagnie de Gaz de Malte et de la Méditerranée.

ARTICLE VIII.

Sa Majesté le Roi des Hellènes promet de prendre à sa charge :—

1. Les pensions accordées à des sujets Britanniques par le Gouvernement Ionien, conformément aux règles établies aux Iles Ioniennes en matière de pensions.

2. Les indemnités dues à certains individus actuellement au service du Gouvernement Ionien, lesquels perdront leurs emplois par suite de l'union des Iles à la Grèce.

3. Les pensions dont plusieurs sujets Ioniens jouissent, en rémunération de services rendus au Gouvernement Ionien.

Une Convention spéciale, conclue entre Sa Majesté Britannique et Sa Majesté le Roi des Hellènes, déterminera le chiffre de ces différentes allocations, et règlera le mode de leur paiement.

ARTICLE IX.

Les autorités civiles et les forces militaires de Sa Majesté Britannique seront retirées du territoire des Etats Unis des Iles Ioniennes dans l'espace de trois mois, ou plus tôt si faire se peut, après la ratification du présent Traité.

ARTICLE X.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Londres dans le délai de six semaines, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Londres, le vingt-neuf Mars, l'an de grâce mil huit cent soixante-quatre.

(L.S.)	RUSSELL.	(L.S.)	CH. TRICOUPI.
(L.S.)	LA TOUR D'AUVERGNE.		
(L.S.)	BRUNNOW.		

(Translation.)

In the name of the Most Holy and Indivisible Trinity.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland made known to the Legislative Assembly of the United States of the Ionian Islands that, with a view to the eventual union of those Islands to the Kingdom of Greece, she was prepared, if the Ionian Parliament should express a wish to that effect, to abandon the Protectorate of those Islands, confided to Her Majesty by the Treaty concluded at Paris on the 5th of November, 1815, between the Courts of Great Britain, Austria, Prussia, and Russia. Such wish having been expressed by a vote of the said Legislative Assembly passed unanimously on the 17th October, 1863, Her Britannic Majesty consented, by Article I of the Treaty concluded on the 14th of November, 1863, between Her Majesty, the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, to renounce the said Protectorate under certain conditions specified in that Treaty, and since defined by subsequent Protocols.

On their part, their Majesties the Emperor of Austria, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, consented by the same Article, and under the same conditions, to accept such renunciation, and to recognize, in conjunction with Her Britannic Majesty, the union of those Islands to the Kingdom of Greece.

In virtue of Article V of the Treaty signed at London on the 13th of July, 1863, it was moreover agreed by common consent between Her Britannic Majesty and their Majesties the Emperor of the French and the Emperor of all the Russias, that the Ionian Islands, when their union to the Kingdom of Greece should have been effected, as contemplated by Article IV of the same Treaty, should be comprised in the guarantee stipulated in favour of Greece by the Courts of Great Britain, France, and Russia, in virtue of the Convention signed at London on the 7th of May, 1832.

In consequence, and in accordance with the stipulations of the Treaty of the 13th of July, 1863, and with the terms of Article VI of the Treaty of the 14th of November, 1863, whereby the Courts of Great Britain, France, and Russia, in their character of Guaranteeing Powers of the Kingdom of Greece, reserved to themselves to conclude a Treaty with the Hellenic Government as to the arrangements which might become necessary in consequence of the union of the Ionian Islands to Greece, their said Majesties have resolved to proceed to negotiate with His Majesty the King of the Hellenes a Treaty for the purpose of carrying into execution the stipulations above mentioned.

His Majesty the King of the Hellenes having given his assent to the conclusion of such Treaty, their said Majesties have named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Britannic Majesty's Privy Council, Her Principal Secretary of State for Foreign Affairs ;

His Majesty the Emperor of the French, the Sieur Godefroy Bernard Henry Alphonse, Prince de la Tour d'Auvergne Lauraguais, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Grand Officer of the Imperial Order of the Legion of Honour, Grand Cross of the Order of the Red Eagle of Prussia, Grand Cross of the Order of St. Maurice and St. Lazarus, &c., &c., &c. ;

His Majesty the Emperor of all the Russias, the Sieur Philip Baron de Brunnow, His Actual Privy Councillor, Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty, Knight of the Orders of Russia, Grand Cross of the Imperial Order of the Legion of Honour, and Grand Cross of the Order of the Redeemer of Greece, &c., &c., &c. ;

And His Majesty the King of the Hellenes, the Sieur Charilaüs S. Tricoupi, a Representative in the National Assembly of the Hellenes ;

Who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following Articles :—

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, desiring to realize the wish expressed by the Legislative Assembly of the United States of the Ionian Islands, that those Islands should be united to Greece, has consented, on the conditions hereinafter specified, to renounce the Protectorate over the Islands of Corfu, Cephalonia, Zante, Santa Maura, Ithaca, Cerigo, and Paxo, with their dependencies, which, in virtue of the Treaty signed at Paris on the 5th of November, 1815, by the Plenipotentiaries of Great Britain, Austria, Prussia, and Russia, were constituted a single free and independent State, under the denomination of “the United States of the Ionian Islands,” placed under the immediate and exclusive protection of His Majesty the King of the United Kingdom of Great Britain and Ireland, his heirs and successors.

In consequence, Her Britannic Majesty, His Majesty the Emperor of the French, and His Majesty the Emperor of all the Russias, in their character of signing parties to the Convention of the 7th of May, 1832, recognize such union, and declare that Greece, within the limits determined by the arrangement concluded at Constantinople between the Courts of Great Britain, France, and Russia, and the Ottoman Porte on the 21st of July, 1832,—including the Ionian Islands,—shall form a monarchical, independent, and constitutional State, under the Sovereignty of His Majesty King George and under the guarantee of the three Courts.

ARTICLE II.

The Courts of Great Britain, France, and Russia, in their character of guaranteeing Powers of Greece, declare, with the assent of the Courts of Austria and Prussia, that the Islands of Corfu and Paxo, as well as their dependencies, shall, after their union to the Hellenic Kingdom, enjoy the advantages of perpetual neutrality.

His Majesty the King of the Hellenes engages, on his part, to maintain such neutrality.

ARTICLE III.

The union of the Ionian Islands to the Hellenic Kingdom shall not involve any change as to the advantages conceded to foreign commerce and navigation in virtue of Treaties and Conventions concluded by foreign Powers with Her Britannic Majesty, in her character of Protector of the Ionian Islands.

All the engagements which result from the said transactions, as well as from the regulations actually in force in relation thereto, shall be maintained and strictly observed as hitherto.

In consequence, it is expressly understood that foreign vessels and commerce in Ionian ports, as well as the navigation between Ionian ports and the ports of Greece, shall continue to be subject to the same treatment, and placed under the same conditions, as before the union of the Ionian Islands to Greece, until the conclusion of new formal Conventions, or of arrangements destined to regulate between the parties concerned, questions of commerce and navigation, as well as questions relating to the regular service of communication by post.

Such new Conventions shall be concluded in fifteen years, or sooner if possible.

ARTICLE IV.

The union of the United States of the Ionian Islands to the Kingdom of Greece shall in no wise invalidate the principles established by the existing legislation of those Islands with regard to freedom of worship and religious toleration ; accordingly the rights and immunities established in matters of religion by Chapters I and V of the Constitutional Charter of the United States of the Ionian Islands, and specifically the recognition of the Orthodox Greek Church as the dominant religion in those Islands ; the entire liberty of worship granted to the Established Church of the Protecting Power ; and the perfect toleration promised to other Christian communions,—shall, after the union, be maintained in their full force and effect.

The special protection guaranteed to the Roman Catholic Church, as well as the advantages of which that Church is actually in possession, shall be equally maintained ; and the subjects belonging to that communion shall enjoy in the Ionian Islands the

same freedom of worship which is recognized in their favour by the Protocol of the 3rd of February, 1830.

The principle of entire civil and political equality between subjects belonging to different creeds, established in Greece by the same Protocol, shall be likewise in force in the Ionian Islands.

ARTICLE V.

The Legislative Assembly of the United States of the Ionian Islands has decreed by a resolution passed on the 17th of October, 1863, that the sum of ten thousand pounds sterling a year shall be appropriated, in monthly payments, to the augmentation of the Civil List of His Majesty the King of the Hellenes, so as to constitute the first charge upon the revenue of the Ionian Islands, unless provision be made for such payment, according to the Constitutional forms, out of the revenues of the Kingdom of Greece.

In consequence, His Majesty the King of the Hellenes engages to carry that Decree duly into execution.

ARTICLE VI.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, and His Majesty the Emperor of all the Russias, agree to relinquish in favour of His Majesty King George I, each four thousand pounds sterling a year, out of the sums which the Greek Treasury has engaged to pay annually to each of them, in virtue of the arrangement concluded at Athens by the Greek Government, with the concurrence of the Greek Chambers, in the month of June 1860.

It is expressly understood that these three sums, forming a total of twelve thousand pounds sterling annually, shall be destined to constitute a personal dotation of His Majesty King George I, in addition to the Civil List fixed by the law of the State. The accession of His Majesty to the Hellenic Throne shall not otherwise involve any change in the financial engagements which Greece has contracted by Article XII of the Convention of May 7, 1832, towards the Powers guarantees of the loan, nor in the execution of the engagement taken by the Hellenic Government in the month of June 1860, upon the representation of the three Courts.

ARTICLE VII.

His Majesty the King of the Hellenes engages to take upon himself all the engagements and contracts lawfully concluded by the Government of the United States of the Ionian Islands, or in their name by the Protecting Power of those Islands, conformably to the Constitution of the Ionian Islands, whether with foreign Governments, with Companies and Associations, or with private individuals; and promises to fulfil the said engagements and contracts fully and completely, as if they had been concluded by His Majesty or by the Hellenic Government. Under this head are specially included: the public debt of the Ionian Islands; the privileges conceded to the Ionian Bank, to the Navigation Company known under the name of the Austrian Lloyds, in conformity with the Postal Convention of the 1st of December, 1853, and to the Malta and Mediterranean Gas Company.

ARTICLE VIII.

His Majesty the King of the Hellenes promises to take upon himself,—

1. The pensions granted to British subjects by the Ionian Government, in conformity with the rules established in the Ionian Islands respecting pensions.
2. The compensation allowances due to certain individuals actually in the service of the Ionian Government, who will lose their employments in consequence of the union of the Islands to Greece.
3. The pensions which several Ionian subjects are in the enjoyment of, in remuneration of services rendered to the Ionian Government.

A special Convention to be concluded between Her Britannic Majesty and His Majesty the King of the Hellenes shall determine the amounts of these different heads, and shall regulate the mode of their payment.

ARTICLE IX.

The civil authorities and the military forces of Her Britannic Majesty shall be withdrawn from the territory of the United States of the Ionian Islands in three months, or sooner if possible, after the ratification of the present Treaty.

ARTICLE X.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the twenty-ninth of March, in the year of our Lord one thousand eight hundred and sixty-four.

(L.S.) RUSSELL.

(L.S.)

CH. TRICOUPI.

(L.S.) LA TOUR D'AUVERGNE.

(L.S.) BRUNNOW.

GREECE.

Treaty between Her Majesty, the Emperor of the French, and the Emperor of Russia, on the one part, and the King of the Hellenes on the other part, respecting the Union of the Ionian Islands to the Kingdom of Greece.

Signed at London, March 29, 1864.

Presented to both Houses of Parliament by Command of Her Majesty. 1864.

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London

72

CORRESPONDENCE

RESPECTING THE

CESSATION

OF THE

BRITISH PROTECTORATE

OVER THE

IONIAN ISLANDS.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
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LIST OF PAPERS.

No.							Page
1.	Sir H. Storks to Mr. Cardwell ..	..	..	..	..	May 20, 1864	1
	One Inclosure.						
2.	Sir H. Storks to Mr. Cardwell ..	..	..	..	..	May 25, —	2
3.	Sir H. Storks to Mr. Cardwell ..	..	..	..	..	May 27, —	2
4.	Sir H. Storks to Mr. Cardwell ..	..	..	..	..	May 27, —	3
	One Inclosure.						
5.	Sir H. Storks to Mr. Cardwell ..	..	..	..	..	May 31, —	4
	One Inclosure.						
6.	Mr. Cardwell to Sir H. Storks ..	..	..	..	..	June 8, —	8
7.	Consul-General Saunders to Earl Russell	..	..	..	..	June 2, —	8
	Three Inclosures.						
8.	Vice-Admiral Smart to the Secretary to the Admiralty	..	..	..	..	June 2, —	10
9.	Sir H. Storks to Mr. Cardwell ..	..	..	..	..	June 6, —	10
	Two Inclosures.						
10.	Sir H. Storks to Mr. Cardwell ..	..	..	..	..	June 2, —	11
11.	Rear-Admiral Yelverton to Vice-Admiral Smart ..	..	..	..	..	June 4, —	12
12.	Vice-Admiral Smart to the Secretary to the Admiralty	..	..	..	..	June 7, —	12
13.	Mr. Rumbold to Earl Russell ..	..	..	..	..	June 7, —	12
	One Inclosure.						
14.	Mr. Hammond to Mr. Elliot ..	..	..	..	..	June 17, —	14
15.	Mr. Cardwell to Sir H. Storks ..	..	..	..	..	June 22, —	14
16.	Mr. Cardwell to Sir H. Storks ..	..	..	..	..	June 23, —	15

Correspondence respecting the Cessation of the British Protectorate over the Ionian Islands.

No. 1.

Sir H. Storks to Mr. Cardwell.—(Received May 27.)

Sir,

Corfu, May 20, 1864.

I HAVE the honour to acquaint you, that M. Zaimis, Commissioner Extraordinary of the King of the Hellenes, arrived in Corfu yesterday, on board a Greek gun-boat. M. Zaimis is charged with a special mission to arrange with me as to the form and manner in which the Ionian States are to be ceded to Greece, and on the surrender of the British Protectorate on the 2nd of June, he is to assume the administration and direction of the Islands, as the King's Commissioner. When the elections of the Representatives to the Greek National Assembly have taken place, the administration of the Ionian Islands will be placed under the control and direction of the responsible Ministers, as in other parts of the Kingdom.

I inclose a translation of the Royal Decree appointing M. Zaimis.

M. Zaimis touched at Zante and Cephalonia on his way to Corfu. He was very warmly welcomed by a large crowd of persons, with Greek flags and the Philharmonic band.

I received him with the honours due to his rank, including a salute and guard of honour.

I am to see him to-day at 11 o'clock, and shall report to you the arrangements we have come to.

Although a large crowd of people was collected yesterday the most perfect order was preserved.

I have, &c.

(Signed) H. K. STORKS.

Inclosure in No. 1.

Decree.

(Translation.)

George I, King of the Greeks.

IN virtue of the Treaty, $\frac{17}{29}$ March o.s., signed in London, and ratified legally by the Law, dated 27th of March, o.s., on the basis of the Decree of the 7th October, 1863, of the thirteenth Ionian Parliament, and in compliance with the Law dated 14th April, respecting the election of the Ionian Representatives;

Wishing to accelerate the Union of the Ionian States with the Greek Kingdom, on the proposal of our Council of Ministers;

We enact—

Article 1. We appoint M. Thrasibulos A. Zaimis, Plenipotentiary of the second National Assembly in Athens, Extraordinary Envoy of the Government in the Ionian Islands.

Art. 2. The Extraordinary Envoy of the Greek Government will repair at once to Corfu, and will agree with the Lord High Commissioner as to the manner of the cession of the Ionian Islands to the Greek Government, and the landing of our military force for their occupation, and will sign the Protocols to be drawn up for the occasion.

Art. 3. So soon as the Ionian Islands shall have been occupied by our military force, the Extraordinary Envoy shall assume, on the basis of the existing laws in the Ionian Islands, their administrative direction. The Extraordinary Envoy shall submit to the

Government the proposal for issuing Royal Decrees for the appointment of the "personnel" required for the administrative service.

Art. 4. For the maintenance of public order, as well as for the application of every measure of security, our military force shall afford every assistance to the Envoy of the Greek Government by executing his orders.

Art. 5. To the Extraordinary Envoy is intrusted everything connected with the administrative jurisdiction for carrying out the election of the Representatives of the Ionian Islands.

For a speedy termination of the preparatory works of this election, the Extraordinary Envoy shall come to the necessary negotiations with the Lord High Commissioner even before the cession of the country to the Greek Government.

Art. 6. The Extraordinary Envoy shall take over all the offices of the Ionian States, and shall provide means for their preservation.

Art. 7. The salary of the Extraordinary Envoy, payable from the Ionian Islands, shall be regulated hereafter.

Art. 8. On the elections being over, the duties of the Extraordinary Envoy shall cease, and all the administrative authorities shall thenceforward be referred directly to the competent Ministries.

Our Council of Ministers is intrusted with the publication and execution of the present Decree.

Athens, April 25, 1864.

(Signed) GEORGE.

(Countersigned)

Z. BALBI.
G. PAPAZAFIROPOLO.
C. ZIMBRACACHI.
P. CALLIGA.
M. C. CANARIS.
A. D. AVGERINO.

No. 2.

Sir H. Storks to Mr. Cardwell.—(Received June 4.)

Sir,

Corfu, May 25, 1864.

I HAVE the honour to acquaint you that I held a levée yesterday in celebration of Her Majesty's birthday.

It was most numerously attended by men of all parties and opinions, including the Archbishop and a great number of his clergy; the President and Members of the Legislative Assembly present in Corfu, the Municipality, and a large number of private citizens.

After the levée I reviewed the troops on the Esplanade, where a vast crowd was assembled to witness the last grand parade of a British garrison in Corfu. Both on my way to the ground and on my return I was received with more than the ordinary marks of respect and consideration.

The good conduct of the people of Corfu under trying and somewhat irritating circumstances has been remarkable, notwithstanding the endeavours of the ill-disposed, the discontented, and the professional demagogues to excite them to acts of tumult and disorder.

I have, &c.

(Signed) H. K. STORKS.

No. 3.

Sir H. Storks to Mr. Cardwell.—(Received June 4.)

Sir,

Corfu, May 27, 1864.

I HAVE the honour to acquaint you that Vice-Admiral Smart arrived at Corfu in Her Majesty's ship "Marlborough" on the 25th instant.

The "Tamar" and "Himalaya" troop-ships have since reached the island, and the preparations for the embarkation of troops are progressing rapidly.

The arrangements which have been made are as follows:—

The Lord High Commissioner, with his suite, will embark in Her Majesty's ship

"Marlborough," and proceed to the rendezvous to be appointed by the King of the Hellenes. The place has not yet been settled, as His Majesty has been obliged to abandon his intention of visiting Patras in consequence of the small-pox which is prevailing there to a great extent.

The Major-General commanding the troops and his staff will be conveyed in Her Majesty's ship "Meeanee" to Malta with the troops. The "Himalaya" and "Tamar" will embark the troops at Corfu, and if sufficient accommodation be not provided in those vessels Her Majesty's ship "Meeanee" will convey the remainder.

Her Majesty's ship "Magicienne" will proceed to Santa Maura, and embark the detachment which garrisons that island, and then go on the same day to Ithaca for the detachment there.

Her Majesty's ship "Orlando" will remove the troops from Cephalonia; Her Majesty's ship "Liffey" those from Zante; Her Majesty's ship "Cossack" is to carry the small party stationed at Cerigo. All will go to Malta, and from thence proceed to their final destinations.

The arrangements seem to have been very well combined, and there is every reason to expect that the evacuation will be completed on the 2nd of June in a soldierlike and satisfactory manner.

I have, &c.
(Signed) H. K. STORKS.

P.S.—Since writing the above Her Majesty's ship "Galatea" has arrived, to convey the Company of Royal Engineers to England.

H. K. S.

No. 4.

Sir H. Storks to Mr. Cardwell.—(Received June 4.)

Sir,

Corfu, May 27, 1864.

I HAVE the honour to acquaint you that I have this day dissolved the 13th and last Ionian Parliament, in obedience to Her Majesty's Order in Council, dated the 7th April, 1864.

Copies of the Notice published on the occasion are transmitted for your information.

I have, &c.
(Signed) H. K. STORKS.

Inclosure in No. 4.

Notice.

HIS Excellency the Lord High Commissioner is pleased to publish for general information the following Proclamation by Her Majesty in Council, dissolving the present Parliament of these States, which is consequently dissolved from the present date.

Palace of St. Michael and St. George, Corfu, May 27, 1864.

(Signed) H. DRUMMOND WOLFF,
Secretary to the Lord High Commissioner.

At the Court at Windsor, the 7th day of April, 1864.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Duke of Somerset.
Earl of Clarendon.

Sir George Grey, Bart.
Mr. Secretary Cardwell.
Mr. Chichester Fortescue.

Whereas by the Constitutional Chart of the United States of the Ionian Islands, it is, amongst other things, provided, that the power of dissolving the Parliament of the said United States on any special emergency shall be solely vested in Her Majesty by an Order

in Council ; and whereas there hath this day been laid before Her Majesty in Council the Draft of a Proclamation to be promulgated in the said States for the dissolution of the said Parliament (a copy whereof is hereunder written) ; Her Majesty is therefore pleased, by and with the advice of Her Privy Council, to approve the said Proclamation, and to order, and in pursuance and in the exercise of the authority so reserved to Her Majesty as aforesaid, it is hereby ordered that the said Proclamation shall be promulgated by his Excellency Sir Henry Knight Storks, Knight Commander of the Most Honourable Order of the Bath, and Knight Grand Cross of the Most Honourable Order of St. Michael and St. George, Her Majesty's Lord High Commissioner in and for those Islands, and that upon and from and after such promulgation thereof, the said Parliament shall be dissolved accordingly.

And the Right Honourable Edward Cardwell, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) ARTHUR HELPS.

Proclamation.

Whereas We have thought fit, by and with the advice of Our Privy Council, and in pursuance and exercise of the power in Us in that behalf vested by the Constitutional Chart of the United States of the Ionian Islands, to dissolve the present Parliament of the said Islands ; We do for that end publish this Our Royal Proclamation, and do hereby dissolve the said Parliament accordingly.

Given at Our Court at Windsor, the seventh day of April, 1864, in the twenty-eighth year of Our reign.

God save the Queen.

No. 5.

Sir H. Storks to Mr. Cardwell.—(Received June 6.)

Sir,

Corfu, May 31, 1864.

I HAVE the honour to transmit copies of the "Ionian Gazette" containing the Protocol signed by M. Zaimis and myself, as to the mode and manner in which the transfer of the Ionian Islands to Greece is to be carried out.

You will also find in it my Proclamation, and the Address I made to those present at the reception held at the Palace of St. Michael and St. George on the 28th instant.

I hope the arrangements agreed upon will meet with your approval.

Her Majesty's troops will be all embarked by mid-day on the 2nd of June, and I trust that soon afterwards all the ships will have left Corfu.

I proceed in Her Majesty's ship "Marlborough" to Catacolo, to have an interview with the King of the Hellenes, and from there direct to Marseilles in the "Psyche."

The Greek troops will arrive in Corfu on the 1st instant, and will not disembark, except those required to relieve the Guards, until Her Majesty's troops have sailed.

It was at first intended that the Greek troops should arrive two or three days before the cessation of the British Protectorate ; but as the Commissioner Extraordinary asked for permission to hoist a Greek flag on Fort Neuf (the barracks assigned for the troops), a proceeding to which I would not consent, the original intention was abandoned, and the arrival of the troops delayed.

It was impossible for me to consent to a Greek flag being hoisted on any fort which we hold under a European Treaty, and are bound to occupy until the British Protectorate legally ceases. I therefore informed M. Zaimis that I could not accede to his request, and the troops were counterordered.

The only inconvenience attending this change is, that the Southern Islands will be left without military detachments for twenty-four hours after the embarkation of the British garrisons, as the whole force intended for the Ionian Islands is to be assembled in the first instance at Corfu, and from this place detachments are to be sent to the different Islands.

I have, &c.

(Signed) H. K. STORKS.

Inclosure in No. 5.

Extract from the Ionian "Gazette."

(Translation.)

Corfu, May 28, 1864.

A RECEPTION was held at 3 o'clock P.M. this day at the Palace of St. Michael and St. George, at which the Most Illustrious the Senate and the principal functionaries of the Ionian State were present, together with the principal naval and military officers of Her Majesty, to witness the signature of the following Protocol by his Excellency the Lord High Commissioner and M. Zaimis, Commissioner Extraordinary of the Government of His Majesty the King of the Hellenes:—

"Protocol."

"Whereas a Treaty was signed in London on the $\frac{17}{25}$ th of March, 1864, between their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, and the Emperor of all the Russias, on the one part, and His Majesty the King of the Hellenes on the other part, respecting the Union of the Ionian Islands to the Kingdom of Greece; and whereas his Excellency the Lord High Commissioner of Her Britannic Majesty has received instructions to carry out the stipulations contained in Article IX of the said Treaty; and whereas M. Thrasybulus Zaïmis, Extraordinary Commissioner of the Government of His Majesty the King of the Hellenes, has been empowered by his Government to concert measures with his Excellency the Lord High Commissioner as to the manner and form in which such stipulations shall be carried out, it is hereby stipulated by them as follows:—

"Article 1. At 12 o'clock on the morning of the ^{21st May}/_{2nd June} next, the Civil Authorities and military forces of Her Britannic Majesty shall be withdrawn from the territories of the United States of the Ionian Islands.

"Art. 2. The form and manner of the said withdrawal shall be as follows:—

"On the ^{21st May}/_{2nd June} next, the troops of Her Britannic Majesty having been embarked, except the guards, at half-past 11 o'clock his Excellency the Lord High Commissioner will receive at the Palace of St. Michael and St. George the Commissioner Extraordinary of the Government of His Majesty the King of the Hellenes, and will then take leave of such persons as may present themselves.

"The Lord High Commissioner, accompanied by M. Zaïmis, will then proceed to the Ditch of the Citadel, where a guard of honour composed of a Company of Infantry of Her Majesty the Queen and another guard of honour composed of a Company of Infantry of His Hellenic Majesty, will be in waiting to receive the Lord High Commissioner. His Excellency the Lord High Commissioner will then take leave of the Commissioner Extraordinary, and will embark in his barge, and proceed to Her Britannic Majesty's ship 'Marlborough,' carrying the flag of Vice-Admiral Smart, K.H., Commander-in-chief of Her Majesty's naval forces in the Mediterranean, the usual salutes being fired by the naval and military forces of Her Britannic Majesty.

"After the embarkation of the Lord High Commissioner, the guards of Her Britannic Majesty's troops in the fortresses will be relieved by guards from the troops of His Hellenic Majesty, and the flag of Her Britannic Majesty will be lowered on the Citadel, Fort Neuf, and Vido, and marched off under an escort of honour.

"Such Greek guards shall be disembarked at the same time as the guard of honour, and shall march to the Citadel, to Fort Neuf, and Vido, so as to arrive at those posts simultaneously with the departure of the British guards.

"On the lowering of the British flag, a Greek flag will be hoisted on the Citadel. At the same time a British ensign will be hoisted at the main on board Her Britannic Majesty's ship 'Marlborough,' and will be saluted from the Citadel by a detachment of artillery of His Hellenic Majesty with a salute of twenty-one guns. This detachment will be disembarked at the same time as the guard of honour.

"The Greek flag will then be hoisted at the main on board Her Britannic Majesty's ship 'Marlborough' and saluted with twenty-one guns from that vessel.

"In the Islands of Cephalonia, Zante, Santa Maura, Ithaca, Cerigo, and Paxo, the civil and military authorities will conform as closely to the above ceremonial as circumstances will permit. The British and Greek flags will be saluted respectively on being lowered and hoisted in all the Islands, where the means of saluting are at hand.

"Art. 3. Whereas it is necessary that certain lists and inventories be drawn up relative to the delivery, on the part of his Excellency the Lord High Commissioner to the Commissioner Extraordinary of the Hellenic Government, of the fortifications, archives, and

other objects of which mention is made hereafter in the present Protocol, they have respectively named for this purpose Sir Peter Braila, K.C M.G., and M. George Zinopoulos, Director of the Cabinet of the Commissioner Extraordinary, to give and receive the archives of the Most Illustrious the Senate, including the originals of the Ionian Constitution, and also the archives of the Legislative Assembly;

"Mr. Barr, C.M.G., Assistant Secretary to his Excellency the Lord High Commissioner, and M. John Peroglous, Secretary of the first class in the Greek Foreign Office, to give and receive the inventory of the furniture left in the Palace of St. Michael and St. George ;

"M. Rodostamos, Aide-de-camp to His Highness the President of the Senate, and M. Andrew Psyllas, Attaché to the Greek Foreign Office, to give and receive the inventories of the Palace of His Highness, and Assistant Commissary-General De Fonblanque, and Major Meason, Barrack Master, and Messrs. Michael Georgantas, Commissary-General, and Nicolas Manos, Major of the Staff, to draw up the inventories and reports of the delivery of the fortresses and barracks of Corfu.

"And whereas it is necessary that similar measures be adopted for the other Islands, the Local Directors of the respective Islands, on the part of his Excellency the Lord High Commissioner, and the Regents, on the part of the Commissioner Extraordinary of the Hellenic Government, have been selected to draw up and sign the necessary documents.

"Such inventories shall be made in duplicate, and exchanged by the said officers within two days after the withdrawal of the civil authorities and military forces of Her Britannic Majesty.

"Art. 4. The performance of the forms and ceremonies, as stated in Article 2, shall be considered as a conclusive and final discharge of the stipulations contained in Article IX of the Treaty aforesaid on the part of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, without any further Protocol, Agreement, or Instrument whatever.

"His Excellency the Lord High Commissioner and the Commissioner Extraordinary shall, however, report to their respective Governments the due performance of the stipulations herein laid down.

"His Excellency the Lord High Commissioner and the Commissioner Extraordinary have signed the present Agreement in duplicate in English and Greek, and have affixed thereto the seals of their arms.

"Done at the Palace of St. Michael and St. George, Corfu, on the $\frac{28}{16}$ th day of May, in the year of our Lord, 1864.

(L.S.) "H. K. STORKS.
(L.S.) "T. ZAIMIS."

After the Protocol had been read and signed, his Excellency made public the following Proclamation:—

"Proclamation.

"On the part of His Excellency Sir Henry Knight Storks, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Most Honourable Order of the Bath, a Major-General in Her Majesty's Army, and Her Majesty's Lord High Commissioner in and for the United States of the Ionian Islands, &c., &c. &c.

"Whereas by a Treaty signed in London on the 29th day of March, 1864, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, His Majesty the Emperor of all the Russias, and His Majesty the King of the Hellenes, it was declared that Her Britannic Majesty has consented, under the conditions then mentioned, to relinquish the Protectorate of the United States of the Ionian Islands, and that Greece should, within the limits then referred to, including the Ionian Islands, form an independent and Constitutional Monarchical State.

"And it was also declared that the civil authorities and military forces of Her Britannic Majesty should be withdrawn from the territory of the said United States within three months, or sooner if possible, after the ratification of the said Treaty.

"And whereas the civil authorities and military forces now remaining in the said territory will, on the 2nd day of June next, be withdrawn therefrom.

"Now, therefore, in the name and on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Lord High Commissioner doth hereby proclaim and declare that on the 2nd day of June, in the year of our Lord 1864, the Protectorate of Her said Britannic Majesty over these Islands will finally be relinquished, cease, and

determine, and that the said Islands will become and be absolutely part of the independent and Constitutional Monarchy of Greece under the sovereignty of His Majesty King George I.

"Given at the Palace of St. Michael and St. George, Corfu, this 28th day of May, in the year of our Lord 1864.

"By his Excellency's command,

(Signed)

"H. DRUMMOND WOLFF,

"Secretary to the Lord High Commissioner."

His Excellency the Lord High Commissioner, having then proceeded to the steps of the Throne, delivered the following address to the high functionaries present :—

"Gentlemen,

"I have now performed almost my last act as Her Majesty's Lord High Commissioner.

"It is not without sincere regret that I take leave of a people with whom I have for more than five years been closely connected, and in whose welfare I shall always entertain the warmest interest.

"To the Senates of the eleventh, twelfth, and thirteenth Parliaments I must tender my hearty thanks for the assistance they have rendered me in the discharge of my public duties—thanks which I beg also to offer to all others discharging public functions and employments in these States.

"Notwithstanding the difficulties that have occasionally arisen, I can testify to the kindly disposition of the Ionian people, to their love of order and to the many qualities which endear them to those with whom they are brought in contact.

"Her Majesty the Queen, my august Sovereign, in retiring, of her own free will, from the responsible and arduous charge confided to her by the Great Powers of Europe, and in promoting the union of these Islands with Greece, has been solely actuated by the desire to give effect to a wish so often expressed by the Ionian Legislative Assembly, and the realization of which is considered by the people both of these Islands and of Continental Greece as conducive to national happiness.

"It is unnecessary to recur to the circumstances which established the peculiar relations which have existed, for nearly half a century, between the British Government and the Ionian States. During the whole period I can conscientiously say that the desire of the British Government, of my predecessors, and myself, has been to forward, by every possible means, the interests of the Ionian people.

"I can look back with satisfaction on the endeavours repeatedly made by the British Government to extend to the Ionian States those free institutions which have created the welfare of England, on the material prosperity of these Islands, which is far in advance of any neighbouring country, on the institutions which have been founded, on the roads, bridges, harbours, lighthouses, and other public works which have been established and maintained, on the order which has almost invariably been preserved in times of general agitation, on a flourishing commerce effectively protected both at home and abroad, on the comparatively small amount of the public debt, and on a light taxation.

"Mistakes may have been committed; but these are inseparable from human institutions, and especially in a political condition so anomalous as that which has existed in this country.

"It is the fervent desire of the Queen that the future of the Greek nation shall be prosperous, and whatever lies in the power of Her Majesty's Government to contribute to this end will not be wanting. I need not say that the greatness of a nation depends on the self-denial and loyalty of the people, as much as on the exertions of their Governors. It will be for your King and his advisers to inaugurate a new state of things on a basis of sound economy and Constitutional freedom, by the enactment of wise laws, and the development of national resources. It will be for you to prove yourselves worthy of the mission, in which even the most insignificant must bear his part, by laying aside, for the public interest, all personal differences and the remembrances of former dissensions, by strict obedience to the law, by all necessary self-sacrifice, by a cultivation of all religious and moral virtues, by fidelity to your Sovereign and confidence in his judgment.

"I once more bid you farewell."

After which the Most Illustrious the Vice-President of the Senate replied to his Excellency as follows :—

"Excellency,

"I am certainly expressing the sentiments of all in warmly thanking your Excellency for the courteous and kind expressions which you have been pleased to make use of in taking leave of us.

"I am convinced that in a short time there will be but one voice to attest to the justice, the firmness, and the really liberal spirit which have so eminently distinguished the administration of your Excellency.

"By a magnanimous determination of Her Majesty the Most Gracious Protecting Sovereign, to whom Ionians owe eternal gratitude, these Islands, after long ages, regain their national independence, and the heart of every Greek will be rejoiced by the assurance that whatever lies in the power of Her Majesty's Government to contribute to the prosperity of the Greek nation will not be wanting.

"We request your Excellency to be pleased to place at the foot of the glorious Throne of Her Majesty the expressions of these our sentiments, and to receive, together with our sincere thanks, our fervent wishes that every happiness may attend you."

His Excellency having acknowledged the remarks of the Vice-President, the proceedings terminated.

No. 6.

Mr. Cardwell to Sir H. Storks.

Sir,

Downing Street, June 8, 1864.

I HAVE received your despatch of the 31st ultimo, transmitting copies of the "Ionian Gazette," containing the Protocol signed by M. Zaimis, Commissioner Extraordinary of the King of the Hellenes, and yourself, relative to the form and manner in which the Ionian Islands were to be ceded to Greece, together with a Proclamation declaring that the relinquishment of the Protectorate would take place on the 2nd of June, and your farewell address to the Ionian functionaries at the reception which you held on the 28th May.

I have much pleasure in expressing to you my entire approval of all your proceedings on this important occasion.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 7.

Consul-General Saunders to Earl Russell.—(Received June 10.)

My Lord,

Corfu, June 2, 1864.

THE cessation of the British Protectorate in the Ionian States and the evacuation of the forts in this Island by Her Majesty's forces were accomplished this day at noon with the utmost tranquillity, and the Hellenic flag was forthwith hoisted in the place of the British ensign with the formalities agreed upon between the Lord High Commissioner and M. Zaimis, Commissioner Extraordinary of the Government of His Majesty the King of the Hellenes, as by the inclosed printed copy of the Protocol drawn up to this effect.

Before proceeding to embark on board Her Majesty's ship "Marlborough," Sir Henry Storks took leave of the principal authorities and others at the Palace of St. Michael and St. George, and was accompanied to the pier amid the enthusiastic acclamations of an immense multitude which thronged every available space in the vicinity, and behaved with the utmost propriety.

The Hellenic troops, which reached Corfu the previous evening, exhibited the best feelings on the occasion, and after the prescribed salutes had been reciprocally interchanged from the flag-ship and batteries, Major-General Sir R. Garrett, with the guard of honour, conveyed the flags from the respective forts on board Her Majesty's ship "Meeanee," and the whole squadron, consisting of Her Majesty's ships "Marlborough," bearing the flag of Vice-Admiral Robert Smart, "Meeanee," "Galatea," "Himalaya," "Tamar," and "Psyche," put to sea immediately, leaving Her Majesty's steam gun-vessel "Wanderer" on station here.

I further transmit, for Lordship's information, copy of an Address presented by the

Municipal Council of this Island to the British garrison, together with copy of the Major-General's reply thereto.

I accompanied Sir Henry Storks from the Palace to the flag-ship, where I took leave of his Excellency on his departure.

I have, &c.
(Signed) SIDNEY SMITH SAUNDERS.

Inclosure 1 in No. 7.

Extract from the Ionian "Gazette."

[See Inclosure in No. 5.]

Inclosure 2 in No. 7.

Address presented by the Municipal Council to the British Garrison.

(Translation.)

To the English Garrison.

Valiant Sons of England,

BY a generous decision of your august Queen the wishes of this Hellenic land have been granted, and you are about to leave this spot, where you have resided with us for half a century, and nobly have you behaved towards us.

The Municipal Council of this Island, under the influence of the unspeakable joy which it experiences in this memorable change in its destiny at the moment of its entering a new career of national existence, cannot without emotion witness your departure, and leave unexpressed the sentiments of sympathy that it entertains for you and for the great nation to which you belong.

As free citizens of a free country you will not be incensed at the exuberant joy of a people passing from foreign protection to national liberty, nor will you consider it in any way connected with your departure, which affects us exceedingly, and causes us to express from our hearts the warmest wishes for your welfare, and for that of your illustrious country, to which, as Greeks, we feel bound by ties of gratitude and hopes.

Farewell, brave sons of England! Forget as we do whatever may tend to mar our mutual love. Love us as we love you, and desire that we may imitate your national virtues.

Corfu, June 1, 1864.

(Signed) D. COURCOUMELY, *Regent.*
S. A. MUSTOXIDI.
G. TOMBRO.
A. TRIFONA.
M. PADOVAN.
A. DELVINIOTTI.

(Signed) D. A. COURCOUMELY, *Secretary to the Municipal Council.*

Inclosure 3 in No. 7.

Answer to the Municipal Council of Corfu from Major-General Sir R. Garrett, K.C.B.

ON the eve of departure with the troops under my command, whose duty of garrisoning the Ionian Islands will this day cease, I hasten to thank you for the spirit in which the Address which you transmitted to me yesterday, for the English garrison, has been framed, and for the expression of your warmest wishes for ourselves individually, and for that of our country. On behalf of the garrison I beg most cordially to reciprocate our earnest wishes for the welfare of yourselves, and for that of your country.

To the President and Members of the Municipal Council, a very large portion of the inhabitants of this island no doubt look for countenance and support, and so long as they receive encouragement from yourselves to cherish feelings of loyalty to your King, to practise obedience to the constituted authorities, to exert energy and industry in following agriculture and commerce, and at the same time living in friendship and harmony with each other, they can hardly fail to attain, under Providence, that welfare which our country has mainly attained by adopting and observing these principles.

In the name of the private soldiers whom I have the honour to command, I request you will be pleased to make known to the inhabitants of the country round Corfu, and to those of the town itself, how fully they have appreciated the kindly feelings which they have unremittingly evinced towards them.

Again repeating the assurances of our very best wishes for the welfare of you all, I now, in the name of the British garrison, bid you most heartily farewell!

(Signed) R. GARRETT, *Major-General,*
Commanding the British Forces in the Ionian Islands.

No. 8.

Vice-Admiral Smart to the Secretary to the Admiralty.—(Received June 13.)

Sir,

"Marborough," at Corfu, June 2, 1864.

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that the whole of the troops, except the guards at the different posts and gateways, and a guard of honour in the ditch, having been embarked on board Her Majesty's ships "Galatea," "Tamar," and "Himalaya," his Excellency Sir H. Storks, Lord High Commissioner, embarked at 11 A.M. this morning, under a salute from the garrison, for my flag-ship, where he was received with yards manned and a second salute of seventeen guns.

2. Soon after noon the guards of Her Majesty's troops having been relieved by guards of the troops of His Hellenic Majesty which had arrived the previous evening from Athens, the British flag was struck on the citadel, Fort Neuf, and Vido, under a Royal salute from the troops of His Hellenic Majesty, and marched off under a guard of honour to the boats. The Greek flag was immediately hoisted, and saluted in its turn by my flag-ship.

3. At 1 P.M. Major-General Sir Robert Garrett embarked in the "Meeanee," which ship had been appropriated to receive him and convey him to Malta, and was saluted by that ship.

4. Soon afterwards the whole of the ships "Marlborough," "Meeanee," "Galatea," "Tamar," and "Psyche" got away; the "Marlborough" and "Psyche" for Katakolo, where Sir Henry Storks wished to meet the King, and the others for Malta, where it will be necessary to make some changes in the arrangement of the troops.

5. Corresponding ceremonies have, as far as practicable, been ordered to take place at the other Islands, the British flag being saluted in each case on being struck, and the Greek flag on being hoisted, and where the following ships have been sent to embark the different garrisons, the "Orlando" and "Trident" to Argostoli, "Liffey" to Zante, the "Magicienne" to Santa Maura and Ithaca, and the "Cossack" to Cerigo, the whole of them have been ordered to leave on the 2nd June and rendezvous at Malta.

I have, &c.
 (Signed) ROBERT SMART.

No. 9.

Sir H. Storks to Mr. Cardwell.—(Received June 10.)

Sir,

"Psyche," at Sea, June 6, 1864.

I HAVE the honour to transmit to you the translation of an address presented to the garrison of Corfu by the Regent and Municipality of that Island. This document having been forwarded to the Major-General commanding the troops, he replied to it by a letter, a copy of which he transmitted to me, and which I now inclose for your information.

I have, &c.
 (Signed) H. K. STORKS.

Inclosure 1 in No. 9.

Address to the English Garrison.

[See Inclosure 2 in No. 7.]

Inclosure 2 in No. 9.

Major-General Garrett to Sir D. Courcounelli, June 2, 1864.

[See Inclosure 3 in No. 7.]

No. 10.

Sir H. Storks to Mr. Cardwell.—(Received June 10.)

Sir,

"Marlborough," at Sea, June 2, 1864.

I HAVE the honour to acquaint you that the Greek troops destined for the Ionian Islands arrived in Corfu yesterday afternoon about 5 o'clock, under the command of Lieutenant-General Pissa. They were conveyed in one steamer, and amounted to 830 rank and file, composed of Artillery, Gendarmerie, and the first Regiment of Infantry.

A large crowd was assembled to welcome the troops, who were cheered loudly as they steamed past the walls to the anchorage.

The band played "God save the Queen" when the steamer entered the port, and all passed off quietly.

This morning early preparations were made for the embarkation of Her Majesty's troops, and for my departure from Corfu. The 9th Regiment with the women, children, and baggage of the regiments composing the garrison of Corfu had been embarked the day before. The 2nd Battalion, 4th Regiment, went on board at 10 A.M., and by 11 o'clock all the arrangements required to carry out the programme agreed between the Commissioner of the Government of His Hellenic Majesty and myself were completed.

Vast crowds had assembled on the esplanade and lined the walls, occupying every spot, whence a view of the proceedings could be obtained.

At 11.30. A.M. I entered the Throne-room, which was crowded by the high functionaries of the Ionian States, and others who had assembled to take leave of me. I addressed a few words of farewell in Italian to those present, and at ten minutes to 12 o'clock I left the palace to embark in my barge. The crowd assembled was immense: I never remember to have seen so many persons collected together in Corfu on any former occasion. The cheering was deafening, and the marks of sympathy and goodwill which I received were most gratifying. A great deal of feeling was displayed by those present, and tears ran down the cheeks of many who, to all appearance, would have been considered unlikely to have shown emotion on such an occasion.

I confess to you that I was much overcome myself, and however gratifying were the demonstrations of sympathy and goodwill which I received, I could not but be affected in taking leave of those in whom I took a great interest, and in quitting for ever a country to whose welfare I had devoted all my energies for more than five years.

On my reaching Her Majesty's ship "Marlborough" under the usual salutes, the British guards were relieved by Greek troops, the British colours lowered, and the Greek flag run up on the forts; salutes followed as laid down in the programme. The British flags were marched off and embarked with guards of honour, under the personal superintendence of the Major-General Commanding the troops. At 10 minutes to 2 o'clock, all being on board, Her Majesty's ships "Marlborough," "Meeanee," "Galatea," "Tamar," "Himalaya," and "Psyche" left the harbour of Corfu, and proceeded to Malta, except Her Majesty's ship, from which I am now writing, which takes me to Catacolo, to meet His Majesty the King of the Hellenes, accompanied by the "Psyche." In the other Islands the troops have all embarked, and at 12 o'clock this day the evacuation of the Ionian Islands was completed. Thus terminated the British Protectorate of the Ionian States.

It is impossible to look back to British rule in these Islands, which has lasted for nearly half a century, without being convinced that England has dealt generously with the Ionians, and faithfully discharged the arduous and responsible duties she accepted in 1815.

I have thus concluded the duties of the high office to which, by Her Majesty's gracious favour, I was appointed in February 1859; and I trust that Her Majesty's Government will approve of the manner in which those duties have been performed.

I have, &c.

(Signed) H. K. STORKS.

No. 11.

Rear-Admiral Yelverton to Vice-Admiral Smart.—(Received June 13.)

Sir,

"Revenge," Katakolo, June 4, 1864.

I HAVE the honour to inform you that His Majesty the King of the Hellenes embarked on board the Greek frigate "Hellas" at 9 o'clock on the night of the 24th May for Syra, it having been previously arranged that the escorting squadron should meet him at Navarino on his way to Corfu.

I accordingly left for that port in the "Revenge," on the morning of the 31st May (having embarked, at his own request, Mr. Horace Rumbold, Her Majesty's Chargé d'Affaires at Athens, who has been directed by Earl Russell to accompany His Majesty on his visit to the Ionian Islands; also one Attaché and three servants), and arrived there on the 1st instant, where I found the French frigate "Magicienne." I was shortly afterwards joined by the Russian frigate "Oleg."

His Majesty, however, did not arrive until about 11 o'clock last night, and after landing for three-quarters of an hour this morning, at 7 o'clock he left for Katakolo under escort of the three ships before named, and a Greek gun-boat.

I now beg to report my arrival in presence of your flag.

The "Gibraltar" arrived from Besika Bay on the morning of the 29th of May, and I have left Captain Prevost in charge of the duties of Senior Officer in the "Piræus," with the "Surprise" under his orders.

I have, &c.

(Signed) H. R. YELVERTON.

No. 12.

Vice-Admiral Smart to the Secretary to the Admiralty.—(Received June 13.)

(Extract.)

"Marlborough," at Malta, June 7, 1864.

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that the "Magicienne" and "Trident" left Corfu for Santa Maura and Argostoli, on the 28th ultimo, to embark the troops at those places; the "Orlando" and "Liffey" having preceded them to Argostoli and Zante.

The "Wanderer" left Corfu on the 29th for Port Nicolo, with Mr. Reade, recently appointed Her Majesty's Consul at Scutari, and having landed him returned to Corfu on the 31st. She has been left at Corfu for the protection of British interests.

The "Growler" left for Paxo on the 30th, and having embarked the garrison returned to Corfu on the 31st. She sailed for Malta on the 1st instant, her services being no longer required at Corfu.

The "Supply" left on the 31st for Malta, with the barrack stores, &c., from Corfu, and having landed them and received a cargo of old and condemned stores from the Dock and Victualling yard, sails for Spithead to-morrow.

The "Hellas," with His Hellenic Majesty on board, arrived at Katakolo on the afternoon of the 4th instant, escorted by the "Revenge," French frigate "Magicienne," Russian frigate "Oleg," and a small Greek gun-boat, and His Majesty was received with the usual honours from my flag-ship.

Sir Henry Storks left the same evening in the "Psyche" for Marseilles, and I left in the "Marlborough" for Malta, which place I reached early this morning.

No. 13.

Mr. Rumbold to Earl Russell.—(Received June 14.)

My Lord,

Corfu, June 7, 1864.

ON the morning of Saturday the 4th instant, the allied squadron, composed of Her Majesty's ship "Revenge," bearing the flag of Rear-Admiral Yelverton, C.B., the French frigate "Magicienne," bearing the flag of Rear-Admiral d'Aboville, and the Russian frigate "Oleg," steamed out of the harbour of Navarino, escorting His Hellenic Majesty on his way to take possession of his new dominions. The King had joined the squadron at Navarino on the previous evening from Kalamata in the frigate "Hellas," and found to

welcome him the flags of the three Powers whose combined navies had, thirty-seven years before, on the same spot, fought the battle which called into life the Kingdom over which he has been called to reign. No place in Greece could be more appropriate as the starting-point of a journey the object of which was to inaugurate an enlarged and, it is to be hoped, a more prosperous Kingdom of Greece.

In the evening the squadron reached Katacolo, where the late Lord High Commissioner of the Ionian Islands was waiting in Her Majesty's ship "Marlborough" to pay his respects to the King.

The following morning was taken up by a Royal visit to the town of Pyrgos, and at 3 o'clock in the afternoon His Majesty embarked for Corfu, the ships of his escort manning yards and firing a royal salute. The squadron then steamed through the channel between Zante and Cephalonia, and came in sight of the town of Corfu, about 10 o'clock on the morning of Monday, the 6th instant.

On nearing the town the ships were in the following order: The royal frigate leading, with the "Magicienne" on her starboard quarter, the "Revenge" on her port quarter, and the "Oleg" following in her wake. At about a mile from the shore the ships stopped in their several stations, and at half-past 1 His Majesty landed with the usual royal honours. As we had gradually approached the shore the day had brightened and now revealed to view a prospect all the glorious beauties of which it were vain for me to attempt to describe, and which for me who had never before beheld it derived an additional charm from the thought of how dear it has been to so many of our English race. Well, my Lord, could the King when first viewing the scene from the deck of the royal frigate feel, as he has since told me he did, the magnitude and beauty of the present bestowed upon him by Her Majesty.

As we drew near we became aware of dark masses of people lining the beach, clustering on the sea-wall at Kastrades, and crowding every space on the road leading to the town and esplanade. As the Royal barge reached the shore all the bells of the town rang out their most joyful peals, the guns of the citadel saluted, and from the crowd that was awaiting his arrival shouts of welcome were raised such as for hearty and ringing sound it has seldom been my lot to hear out of England. The keys of the city were here presented to the King, and an address was read by the Mayor in the name of the Municipality. His Majesty then entered an open carriage drawn by four horses, and proceeded through the midst of the multitude, which in its eagerness to behold him crowded on him most inconveniently, to the Church of St. Spiridion, where a *Te Deum* was sung in his presence by the Greek Archbishop and clergy. From thence His Majesty went to the Palace of St. Michael and St. George, and in the evening drove and later rode through the town, being received everywhere with signs of the most genuine enthusiasm.

Although the King was not expected at Corfu till Wednesday, and the preparations for his reception were by no means completed, the illuminations and the display of fire-works were highly creditable to the taste and liberality of the Corfiotes. Nor can too much praise be bestowed on the behaviour of the immense crowds which all day and all night long filled the town and lingered chiefly round the Palace. On the whole, few of those who witnessed the scene are likely to forget the arrival of the King at Corfu.

I have the honour to transmit herewith to your Lordship translation of the official programme for His Majesty's reception, published by the authorities.

I have, &c.

(Signed) HORACE RUMBOLD.

Inclosure in No. 13.

Programme of the Ceremonial to be observed on the Arrival of His Majesty the King at Corfu.

(Translation.)

1. AS soon as the Royal steamer on which is embarked His Majesty the King shall approach the harbour, the battery in the citadel will announce the event by firing five guns; at the same time the bells of the churches in the town will be rung.

2. Everything connected with the military parade will be regulated by the Commander-in-Chief of the military forces in the Ionian Islands.

3. At the hour to be appointed for the disembarkation of His Majesty there will be at the landing place—

(1.) The Envoy Extraordinary of the Government.

(2.) The Commander of the military forces.

(3.) The Regent and the Municipal Council.

(4.) Such of the former Members of the 13th Ionian Parliament as may be in Corfu, and the Members of the late Senate.

(5.) The Members of the Supreme Council of Justice.

(6.) The Archon of Public Instruction.

(7.) The Advocate-General.

(8.) The President of the Tribunals, the Judges, the Advocate-Fiscal, and the Professors of the academy.

(9.) The Treasurer-General, the Auditor-General, and all the remaining employés in Corfu, according to the programme to be published by the Regent.

4. The Regent will present the keys of the city to His Majesty the King on landing. He will also address the King in the name of the Municipal Council.

5. His Majesty the King having landed at Castrades, and being followed by the above-mentioned cortège, will proceed along the road before the Academy, and continuing on the road to the right of the esplanade, and passing by the church of the Madonna dei Forestieri, he will go to the church of San Spiridione.

6. At the door of the Church, the Bishop of Corfu with the Clergy will receive His Majesty. In the Church will be chanted a *Te Deum*.

7. After the *Te Deum* is ended, His Majesty will proceed to the Palace of St. Michael and St. George, passing by the Saint's street, and by the road in front of the esplanade.

8. In the evening there will be an illumination throughout the town, and in all the municipal and public establishments: and the programme to be published by the Regent will regulate whatever else may be connected with this ceremony.

9. The Consuls-General, the Consuls, and the Vice-Consuls of the friendly Powers residing in Corfu will be informed of this ceremony.

Corfu, ^{May 24}_{June 29} 1864.

(Signed) TH. A. ZAIMIS,
Envoy Extraordinary of Government in the Ionian Islands.

No. 14.

Mr. Hammond to Mr. Elliot.

Sir,

Foreign Office, June 17, 1864.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 8th instant, inclosing a copy of a despatch from Sir H. Storks, forwarding the Protocol and other papers relative to the form and time of the cession of the Ionian Islands to Greece; and I am to request that you will inform Mr. Secretary Cardwell that Lord Russell desires to express his concurrence in the entire approval which Mr. Cardwell has expressed to Sir H. Storks of his proceedings on that occasion.

I am, &c.
(Signed) E. HAMMOND.

No. 15.

Mr. Cardwell to Sir H. Storks.

Sir,

Downing Street, June 22, 1864.

I HAVE received with great satisfaction your despatch of the 2nd instant, in which you report your departure from Corfu, and the evacuation of the Ionian Islands by the British troops.

The very interesting account which you have given of the conduct and spirit of the people on that remarkable occasion reflects the highest credit upon them, and not upon them only, but also upon those who have administered, in the name of the Queen, the office of the British Protectorate.

You entered upon your duties at a time of difficulty, but by the exercise of firmness, discretion, and forbearance, you have maintained unbroken tranquillity, and have encouraged in the breasts of the Ionian people those sentiments of gratitude and attachment towards the British Crown which they have now so honourably displayed.

For your services, therefore, during the continuance of your office, and for the skill with which you have discharged the delicate task of bringing that office to a close, I have the pleasure to convey to you Her Majesty's entire approval.

I have, &c.
(Signed) EDWARD CARDWELL.

No. 16.

Mr. Cardwell to Sir H. Storks.

Sir,

Downing Street, June 23, 1864.

WITH reference to my letter of yesterday's date, conveying to you Her Majesty's entire approval of the manner in which you had discharged the arduous duties which devolved upon you as Lord High Commissioner of the Ionian Islands, I have much satisfaction in acquainting you that Her Majesty has been pleased to confer upon you, in recognition of your distinguished services, the honour of the Grand Cross of the Order of the Bath.

I have, &c.

(Signed) EDWARD CARDWELL

IONIAN ISLANDS.

CORRESPONDENCE respecting the Cessation of the
British Protectorate over the Ionian Islands.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty.* 1864.

LONDON:

PRINTED BY HARRISON AND SONS,

157

TREATY

OF

COMMERCE AND NAVIGATION

BETWEEN

HER MAJESTY

AND THE

KING OF ITALY.

Signed at Turin, August 6, 1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

TREATY of Commerce and Navigation between Her Majesty and the King of Italy.

Signed at Turin, August 6, 1863.

[Ratifications exchanged at London, October 29, 1863.]

In the Name of the Most Holy and Indivisible Trinity.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Italy, being desirous of extending and facilitating the relations of commerce between their respective dominions and subjects, have resolved to conclude a Treaty for that purpose, and have named as their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., Sir James Hudson, a Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Italy ;

And His Majesty the King of Italy, Giovanni Manna, Senator of the Kingdom, Grand Officer of the Order of Saints Maurice and Lazarus, Minister Secretary of State for Agriculture, Industry, and Commerce ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

There shall be between all the dominions and possessions of the two High Contracting Parties, reciprocal freedom of commerce and navigation. The subjects of each of the two Contracting Parties, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other, to which other foreigners are or may be permitted to come ; and shall, throughout the whole extent of the dominions and possessions of the other, enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation, which are or may be enjoyed by native subjects generally.

[50]

In Nome della Santissima ed Indivisibile Trinità.

SUA Maestà il Re d'Italia e Sua Maestà la Regina del Regno Unito della Gran Bretagna e d'Irlanda, desiderosi di estendere e facilitare le relazioni di commercio tra i loro rispettivi domini e sudditi, hanno determinato di conchiudere un Trattato per questo scopo, ed hanno nominato a loro rispettivi Plenipotenziarii, cioè :—

Sua Maestà il Re d'Italia, Giovanni Manna, Senatore del Regno, Grande Ufficiale dell' Ordine dei Santi Maurizio e Lazzaro, Ministro Segretario di Stato per l'Agricoltura, l'Industria, ed il Commercio ;

E Sua Maestà la Regina del Regno Unito della Gran Bretagna e d'Irlanda, Sir James Hudson, Commendatore dell' Onorevolissimo Ordine del Bagno, Suo Inviato Staordinario e Ministro Plenipotenziario presso Sua Maestà il Re d'Italia ;

I quali, dopo essersi reciprocamente comunicati i loro rispettivi pieni poteri, riconosciuti in buona e debita forma, convennero nella stipulazione dei seguenti Articoli :—

ARTICOLO I.

Vi sarà tra tutti gli stati e possessi delle due Alte Parti Contraenti libertà reciproca di commercio e di navigazione. I sudditi di ognuna di esse Parti Contraenti avranno facoltà di entrare liberamente e sicuramente coi loro bastimenti e carichi in tutti i luoghi, porti, e riviere degli stati e possessi dell'altra, la cui entrata è fin d'ora permessa o la sarà nel seguito agli stranieri, e godranno rispettivamente negli stati e possessi dell'altra, degli stessi diritti, privilegi, libertà, favori, immunità, ed esenzioni in materia di commercio e navigazione di cui godono o godranno i nazionali.

ARTICLE II.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty, of any article the produce or manufacture of the dominions and possessions of His Majesty the King of Italy, from whatever place arriving, and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the King of Italy, of any article the produce or manufacture of Her Britannic Majesty's dominions and possessions, from whatever place arriving, than are or may be payable on the like article, the produce or manufacture of any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the Contracting Parties into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country.

His Majesty the King of Italy further engages that he will not prohibit the importation into his dominions and possessions of any article the produce or manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place arriving.

ARTICLE III.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the Contracting Parties, on the exportation of any article to the dominions and possessions of the other, than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other country.

ARTICLE IV.

The subjects of one of the Contracting Parties shall enjoy, in the dominions and possessions of the other, equality of treatment with native subjects in all that relates to the transit trade; and also in regard to warehousing, bounties, facilities, and drawbacks.

ARTICLE V.

All articles which are or may be legally importable into the ports of the dominions and possessions of Her Britannic Majesty in

ARTICOLO II.

All' importazione negli stati e possedimenti di Sua Maestà Britannica di qualsiasi mercanzia, prodotta o fabbricata negli stati o possedimenti di Sua Maestà il Re d'Italia, qualunque siane la provenienza, e similmente all' importazione negli stati e possedimenti di Sua Maestà il Re d'Italia di qualsiasi mercanzia, prodotta o fabbricata negli stati di Sua Maestà la Regina d'Inghilterra, qualunque ne sia la provenienza, non saranno riscossi altri o maggiori dazi d'entrata che quelli che si pagano o potranno pagarsi sui consimili articoli prodotti o fabbricati in qualunque altro paese straniero.

Non potrà conservarsi nè imporsi dall' una delle Alte Parti Contraenti alcun divieto all' importazione ne' proprii stati e possedimenti di qualsiasi mercanzia prodotta o fabbricata negli stati o possedimenti dell' altra, senza che tal divieto non sia nell' istessa guisa applicato all' importazione di consimili mercanzie prodotte o fabbricate in qualunque siasi altro paese.

Sua Maestà il Re d'Italia s'impegna ancora a non proibire l'importazione ne' suoi domini e possessioni di qualsiasi mercanzia prodotta o fabbricata nei domini e possedimenti di Sua Maestà Britannica, qualunque siane la provenienza.

ARTICOLO III.

Sull' esportazione di qualsiasi mercanzia dagli stati e possedimenti d'una delle Parti Contraenti, in destinazione degli stati e possedimenti dell' altra, non saranno riscossi altri diritti o maggiori di quelli che si riscuoteranno sui simili articoli esportati per qualsivoglia altro paese straniero. Non sarà imposto divieto all' esportazione di qualsiasi mercanzia dagli stati e possedimenti di una delle Parti Contraenti per gli stati e possedimenti dell' altra, senza che tal divieto sia applicato, nell' istessa guisa, all' esportazione di consimili articoli per qualsiasi altro paese straniero.

ARTICOLO IV.

I sudditi di una delle due Parti Contraenti godranno, negli stati e possedimenti dell' altra, eguaglianza di trattamento co' nazionali in tutto quanto ha rapporto al commercio di transit, ed anche in quello che concerne magazzinaggio, diritti di rimportazione, favori, e *drawbacks*.

ARTICOLO V.

Qualunque prodotto che può o potrà legalmente importarsi ne' porti degli stati e possedimenti di Sua Maestà Britannica sopra

British vessels, may likewise be imported into those ports in Italian vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in British vessels; and reciprocally, all articles which are or may be legally importable into the ports of the dominions and possessions of His Majesty the King of Italy in Italian vessels, may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Italian vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin, or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the Contracting Parties, on the exportation of any article which is or may be legally exportable therefrom, whether such exportation shall take place in Italian or in British vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

ARTICLE VI.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties, of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall not equally and under the same conditions be imposed in the like cases on national vessels in general. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE VII.

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

bastimenti Inglesi, potrà egualmente importarsi negli stessi porti sopra bastimenti Italiani, senza essere sottoposti ad altri o maggiori diritti od oneri di quelli cui lo stesso prodotto andrebbe sottoposto se fosse importato con bastimenti Inglesi; e reciprocamente, tutti i prodotti che possono o potranno legalmente importarsi ne' porti degli stati e possessi di Sua Maestà il Re d'Italia sopra bastimenti Italiani, potranno parimente importarsi sopra bastimenti Inglesi, senza essere tenuti ad altri o maggiori diritti ed oneri di quelli cui lo stesso prodotto andrebbe sottoposto, se fosse importato con bastimenti Italiani. Questa eguaglianza di reciproco trattamento sarà sempre dovuta, sia che le mercanzie provengano direttamente dal luogo d'origine, ovvero da qualsiasi altra località.

La stessa perfetta eguaglianza di trattamento sarà dovuta a riguardo della esportazione, in guisa che negli stati e possessi di una e dell'altra delle due Parti Contraenti si pagheranno sull'uscita dei prodotti che possono o potranno legalmente esportarsi, gli stessi diritti di esportazione e si accorderanno gli stessi favori e *drawbacks*, tanto se siano esportati sopra bastimenti Italiani quanto sopra bastimenti Inglesi, e qualunque siasi la loro destinazione, per un porto dell'una o dell'altra delle Parti Contraenti o di una terza Potenza.

ARTICOLO VI.

Nessun diritto di tonnellaggio, di porto, di pilotaggio, di faro, di quarantena, o altro simigliante od equivalente, di qualunque natura o sotto qualsiasi denominazione, potrà essere riscosso a profitto dello Stato, di funzionari pubblici, d'individui privati, di corporazioni o di stabilimenti di qualsivoglia specie, se tali diritti non siano egualmente riscossi sui bastimenti nazionali. Quest'eguaglianza di trattamento si applicherà reciprocamente ai rispettivi bastimenti, da qualsiasi porto o località arrivino, e qualunque sia la loro destinazione.

ARTICOLO VII.

Per tutto quanto concerne il collocamento, il carico e il discarico dei bastimenti ne' porti, bacini, docks, darsene, rade e riviere degli stati o possessi ne' due paesi, non potrà accordarsi alcun privilegio ai navigli nazionali, il quale non sia parimente concesso ai navigli dell'altro paese, essendo intenzione delle due Parti Contraenti che a tal riguardo i bastimenti dell'una e dell'altra siano trattati sul piede di perfetta eguaglianza.

ARTICLE VIII.

The Contracting Parties agree that, in regard to the coasting trade, the vessels and subjects of each Contracting Party shall enjoy, in the dominions and possessions of the other, the same privileges, and shall be treated in all respects in the same manner, as national vessels and native subjects.

The provisions of this Article shall, however, as respects the Colonial coasting trade, be deemed to extend only to the coasting trade of such of the Colonial Possessions of Her Britannic Majesty as may have petitioned or may hereafter petition Her Majesty, under the provisions of the Act relating thereto, to throw open their coasting trade to foreign vessels.

ARTICLE IX.

All vessels which according to British law are to be deemed British vessels, and all vessels which according to Italian law are to be deemed Italian vessels, shall for the purposes of this Treaty be deemed British and Italian vessels respectively.

ARTICLE X.

The Contracting Parties agree that in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

ARTICLE XI.

Any import duty levied *ad valorem* in the territories of His Majesty the King of Italy shall be calculated on the value at the place of production or fabrication of the object imported, with the addition of the cost of transport, insurance, and commission necessary for the importation into Italy, its dominions and possessions, as far as the port of discharge.

For the levying of these duties, the importer shall make a written declaration at the Custom-house, stating the value and description of the goods imported, with the addition aforesaid. If the Custom-house authorities shall be of opinion that the declared value is insufficient, they shall be at liberty to take the goods on paying to the importer the price declared, with an addition of five per cent.

ARTICOLO VIII.

In ordine al commercio di costa o cabotaggio, le Parti Contraenti pattuiscono che i bastimenti e sudditi dell' una godranno, negli stati e possessi dell' altra, gli stessi privilegi, e saranno trattati nella stessa guisa dei bastimenti e sudditi nazionali.

Questa disposizione, in quanto concerne il cabotaggio Coloniale, s'intenderà ristretta al commercio sulle coste dei possedimenti di quelle Colonie di Sua Maestà la Regina della Gran Bretagna le quali abbiano fatto domanda a Sua Maestà o la faranno perchè, in virtù dell' Atto relativo alle Colonie, permetta il commercio di cabotaggio sulle loro coste ai bastimenti stranieri.

ARTICOLO IX.

I bastimenti che a norma delle leggi Inglesi sono considerati come bastimenti Inglesi, e quelli che secondo le leggi Italiani sono considerati come bastimenti Italiani, saranno rispettivamente considerati Inglesi e Italiani per gli effetti del presente Trattato.

ARTICOLO X.

Le Parti Contraenti pattuiscono che qualunque privilegio, favore, o esenzione in materia di commercio e di navigazione, sia dall' una di esse concessa, o possa concedersi in avvenire, a' sudditi o cittadini di qualsiasi altro Stato, si estenderà immediatamente e senza condizioni ai sudditi e cittadini dell' altra Parte Contraente, essendo intenzione delle due Parti che il commercio e la navigazione di ciascuno dei due paesi sia collocata, per ogni rispetto, sul piede della nazione più favorita.

ARTICOLO XI.

I dazi *ad valorem* che si riscuotono all' importazione negli stati di Sua Maestà il Re d' Italia saranno calcolati sul valore al luogo della produzione o fabbricazione dell' oggetto importato, coll' aggiunta delle spese di trasporto, di assicurazione e di provvigione necessarie per l' introduzione in Italia, e ne' suoi porti o possessi, sino al porto di scarico.

Per far luogo al pagamento di questi dazi, l' importatore deve fare alla dogana una dichiarazione scritta, nelle quale siano indicati il valore e la natura degli oggetti importati, coll' aggiunta di cui sopra. Se le autorità doganali sono di parere che il valore dichiarato è insufficiente, sarà loro facoltativo di appropriarsi la mercanzia mediante il pagamento all' importatore del prezzo dichiarato, con un compenso del cinque per cento.

This payment, together with the restitution of any duty which may have been levied upon such goods, shall be made within the fifteen days following the declaration.

ARTICLE XII.

The subjects of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as native subjects in regard to trade-marks and designs of every description applicable to articles of manufacture.

ARTICLE XIII.

It shall be free for each of the Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents, to reside in the towns and ports of the dominions and possessions of the other. Such Consuls-General, Consuls, Vice-Consuls, and Consular Agents, however, shall not enter upon their functions until after they shall have been approved and admitted, in the usual form, by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are or shall be granted there to Consuls of the most favoured nation.

ARTICLE XIV.

The subjects of each of the Contracting Parties, conforming themselves to the laws of the country,—

1. Shall have full liberty, with their families, to enter, travel, or reside in any part of the dominions and possessions of the other Contracting Party.

2. They shall be permitted to hire or possess the houses, manufactories, warehouses, shops, and premises, which may be necessary for them.

3. They may carry on their commerce, either in person or by any agents whom they may think fit to employ.

4. They shall not be subject, in respect of their persons or property, or in respect of passports, licenses for residence or establishment, nor in respect of their commerce or industry, to any taxes, whether general or local, nor to imposts or obligations of any kind whatever, other or greater than those which are or may be imposed upon native subjects.

ARTICLE XV.

The subjects of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from all compulsory military service whatever, whether in the army, navy, or national guard or militia. They shall be equally exempted

Tal pagamento, come pure la restituzione di qualsiasi diritto che fosse stato riscosso sulla mercanzia, sarà fatto ne' quindici giorni successivi alla dichiarazione.

ARTICOLO XII.

In ordine alle marche di fabbrica ed ai disegni d'ogni specie concernenti articoli di manifattura, i sudditi di ciascuna delle Parti Contraenti avranno, negli stati e possessi dell'altra, gli stessi diritti dei nazionali.

ARTICOLO XIII.

Sarà in facoltà di ciascuna delle Parti Contraenti di nominare Consoli-Generali, Consoli, Vice-Consoli, e Agenti Consolari, con residenza nelle città e porti degli stati e possessi dell'altra. I Consoli-Generali, Consoli, Vice-Consoli, e Agenti Consolari, non potranno però assumere l'esercizio delle loro funzioni sino a che non sono stati approvati e ammessi, secondo le formalità di uso, dal Governo presso cui sono destinati. Essi eserciteranno tutte le funzioni, e godranno di tutti i privilegi, esenzioni, e immunità, d'ogni specie, che siano accordate ai Consoli della nazione più favorita.

ARTICOLO XIV.

I sudditi di ciascuna delle Parti Contraenti, uniformandosi alle leggi del paese,—

1. Dovranno avere piena libertà, sia per sé che per le loro famiglie, di entrare, viaggiare, o risiedere in qualunque sia luogo degli stati e possessi dell'altra Parte Contraente.

2. Sarà loro facoltativo di affitare o possedere case, manifatture, magazzini, botteghe, e locali, che saranno ad essi necessari.

3. Potranno esercitare il loro commercio, sia personalmente, sia per mezzo di agenti che credano opportuno adoperarvi.

4. Non saranno, in alcun caso, sottoposti per le loro persone o proprietà, o pei passaporti, permessi di soggiorno, o di stabilimento, o per l'esercizio del loro commercio o industria, ad alcuna tassa generale o locale, nè imposta od obbligazione qualsiasi, che siano differenti o superiori a quelle che s'impongono, o possano imporsi, ai sudditi nazionali.

ARTICOLO XV.

I sudditi di ciascuna delle Parti Contraenti saranno esenti, negli stati e possessi dell'altra, dal servizio militare obbligatorio, sia nell'esercito, nella marina, nella guardia nazionale, sia nella milizia. Saranno parimente esenti da ogni ufficio giudiziario e

from all judicial and municipal functions whatever, as well as from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service; and, finally, from forced loans and military exactions or requisitions.

ARTICLE XVI.

The subjects of each of the Contracting Parties in the dominions and possessions of the other shall be at full liberty to acquire, possess, and dispose of every description of property which the laws of the country may permit any foreigners, of whatsoever nation, to acquire and possess. They may acquire and dispose of the same, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, or in any other manner, under the same conditions as are established by the laws of the country for all foreigners. Their heirs and representatives may succeed to and take possession of such property, either in person or by agents acting on their behalf, in the same manner and in the same legal forms as subjects of the country. In the absence of heirs and representatives the property shall be treated in the same manner as the like property belonging to a subject of the country under similar circumstances.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge, than is payable by subjects of the country. In every case the subjects of the Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely, and without being subjected on such exportation to pay any duty as foreigners, or any other or higher duties than those to which subjects of the country are liable under similar circumstances.

ARTICLE XVII.

The dwellings, manufactories, warehouses, and shops of the subjects of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto, destined for purposes of residence or commerce, shall be respected. If there should be occasion to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, such measure shall be executed only in conformity with the legal warrant or order in writing of a tribunal, or of the competent authority.

The subjects of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights. They shall enjoy in this respect the same rights and privileges as

municipale, come pure da ogni specie di contribuzione, in danaro o in natura, imposta a compenso del servizio personale, e finalmente da qualsiasi prestito forzato, prestazione, o requisizione militare.

ARTICOLO XVI.

I sudditi di ciascuna delle Parti Contraenti avranno piena libertà, negli stati e possessi dell'altra, di acquistare, possedere, e disporre di ogni sorta di proprietà che le leggi del paese permettono agli stranieri, di qualsiasi nazione, di acquistare e di possederli. Essi potranno acquistare e disporre delle loro proprietà per compra, vendita, donazione, permuta, matrimonio, testamento, successione *ab intestato*, o in qualsiasi altra maniera, alle stesse condizioni che sono stabilite dalle leggi locali per tutti gli stranieri. I loro eredi o rappresentanti potranno succedere in queste proprietà e prenderne possesso, sia in persona, sia per mezzo di agenti per loro conto, nella stessa guisa e nelle stesse forme legali richieste pei nazionali. In mancanza di eredi o di rappresentanti, le loro proprietà saranno trattate nell'istessa maniera come se appartenessero ad un suddito del paese posto in eguali condizioni.

In tutti questi casi essi non pagheranno sul valore delle loro proprietà altre o maggiori tasse, diritti, e carichi, di quelli che sarebbero dovuti dei sudditi nazionali. I sudditi di ciascuna delle Parti Contraenti potranno, in ogni caso, esportare le loro proprietà, od il ricavo della loro vendita, con tutta libertà, e senza essere sottoposti per tale esportazione al pagamento di alcun diritto come straniero, o di alcun diritto che sia differente da quelli cui andrebbero soggetti in simili casi i sudditi del paese.

ARTICOLO XVII.

Le abitazioni, gli stabilimenti industriali, i magazzini, e le botteghe tenute dai sudditi di ciascuna delle Parti Contraenti negli stati e possessi dell'altra, come pure i locali che loro appartengono, destinati al commercio, saranno rispettati. Nel caso di perquisizione, o di visita domiciliare, in tali abitazioni o locali, e nel caso di ricognizione di libre, carte, e conti, non vi si potrà procedere che dietro autorizzazione legale od ordine scritto di un tribunale, o altra autorità competente.

I sudditi di ciascuna della due Parti Contraenti potranno, negli stati e possessi dell'altra, far valere i loro diritti e difenderli avanti i tribunali. Essi in tal caso godranno dei diritti e privilegi de' nazionali, e potranno, al pari di questi, affidare la trattazione delle

subjects of the country, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

ARTICLE XVIII.

Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled by stress of weather, or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Italian Consul-General, Consul, or Vice-Consul, in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents, shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of Customs, unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

loro cause ad avvocati, procuratori, e agenti i quali abbiano diritto, secondo le leggi del paese, di esercitare tali professioni.

ARTICOLO XVIII.

I vascelli da guerra o bastimenti mercantili di una delle Parti Contraenti, i quali per necessità o per accidente trovinsi costretti a rifugiarsi nei porti dell'altra, vi potranno essere riparati, e avranno facoltà di approvvigionarsi e riprendere il mare, e in tutti questi casi non saranno tenuti a pagare altri o maggiori diritti di quelli che sarebbero dovuti da navi nazionali. Però se il capitano di un bastimento mercantile si trovi nella necessità di disporre di una parte del carico pel pagamento delle sue spese, dovrà uniformarsi in tal caso ai regolamenti e alle tariffe locali.

Se avvenga che un vascello da guerra o bastimento mercantile dell'una delle Parti Contraenti s'arreni o faccia naufragio sulle coste degli stati o possessi dell'altra, queste navi, le loro parti o rottami, l'alberatura e ogni altro oggetto che vi appartengano, come pure tutte le mercanzie che saranno state salvate, comprese quelle gettate in mare, o il ricavo della loro vendita, e le carte tutte rinvenute a bordo della nave arrenata o naufragata, saranno restituite al proprietario o chi per esso, appena siano reclamate. Nel caso manchi il proprietario o chi per esso, ogni cosa sarà consegnata al Console-Generale, Console, o Vice-Console Britannico o Italiano del distretto ov'ebbe luogo il naufragio o l'arrenamento, dietro domanda che l'interessato dovrà fare nel termine fissato dalle leggi locali. I Consoli, i proprietari, o loro rappresentanti, non saranno tenuti che al pagamento delle spese occorse per la conservazione della proprietà, comprese quelle di salvataggio e simili, che in casi analoghi sarebbero dovute dalle navi nazionali.

Le mercanzie e oggetti salvati dal naufragio non saranno sottoposti ai diritti di dogana, se non in quanto vengano dichiarati per la consumazione, ed in questi casi pagheranno solamente gli stessi diritti che sarebbero dovuti se fossero importati sopra nave nazionale.

Occorrendo che una nave debba per necessità entrare in un porto, sia arrenata o faccia naufragio, i Consoli-Generali, Consoli, e Vice-Consoli, sono autorizzati ad interporli perchè sia data la necessaria assistenza ai loro connazionali, occorrendo però la richiesta del capitano, padrone, o loro rappresentante, quando trovinsi presenti.

ARTICLE XIX.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

ARTICLE XX.

The present Treaty of Commerce and Navigation, when ratified, shall be substituted for the Treaties in force between the High Contracting Parties, namely, those concluded on the 5th April, 1847, and 30th December, 1854, between Great Britain and Tuscany; and on the 29th April, 1845, between Great Britain and the Two Sicilies; and on the 27th February, 1851, and 9th August, 1854, between Great Britain and Sardinia; and shall remain in force for ten years from the date of the exchange of the ratifications, and further until the expiration of twelve months after either of the Contracting Parties shall have given notice to the other of its intention to terminate the same; each of the Contracting Parties being at liberty to give such notice to the other at the expiration of the first nine years, or at any time afterwards.

ARTICLE XXI.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London in six weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Turin, 6 August, 1863.

(L.S.) JAMES HUDSON.
(L.S.) GIOVANNI MANNA.

ARTICOLO XIX.

I Consoli-Generali, Consoli, Vice-Consoli, e Agenti Consolari di ciascuna delle Parti Contraenti, residenti negli stati e possessi dell'altra, riceveranno dalle autorità locali la maggiore assistenza che possa darsi secondo le legge del paese, per l'arresto dei disertori dalle navi della loro nazione.

ARTICOLO XX.

Il presente Trattato di Commercio e di Navigazione, allorquando sarà ratificato, surogherà i Trattati vigenti tra le Parti Contraenti, conchiusi il 5 Aprile, 1847, e 30 Dicembre, 1854, fra il Governo della Gran Bretagna e quello della Toscana; il 29 Aprile, 1845, fra il Governo della Gran Bretagna e quello delle Due Sicilie; il 27 febbrajo, 1851, e il 9 Agosto, 1854, tra il Governo della Gran Bretagna e quello della Sardegna; e sarà in vigore per dieci anni dalla data dello scambio delle ratifiche del presente Trattato, e anche oltre il detto termine sino a che non siano decorsi dodici mesi dall'annunzio che l'una delle Parti Contraenti fosse per dare all'altra della sua intenzione di farlo cessare; ognuna di esse riservandosi la facoltà di fare all'altra simile dichiarazione allo spirare dei primi nove anni, e in ogni tempo ulteriore.

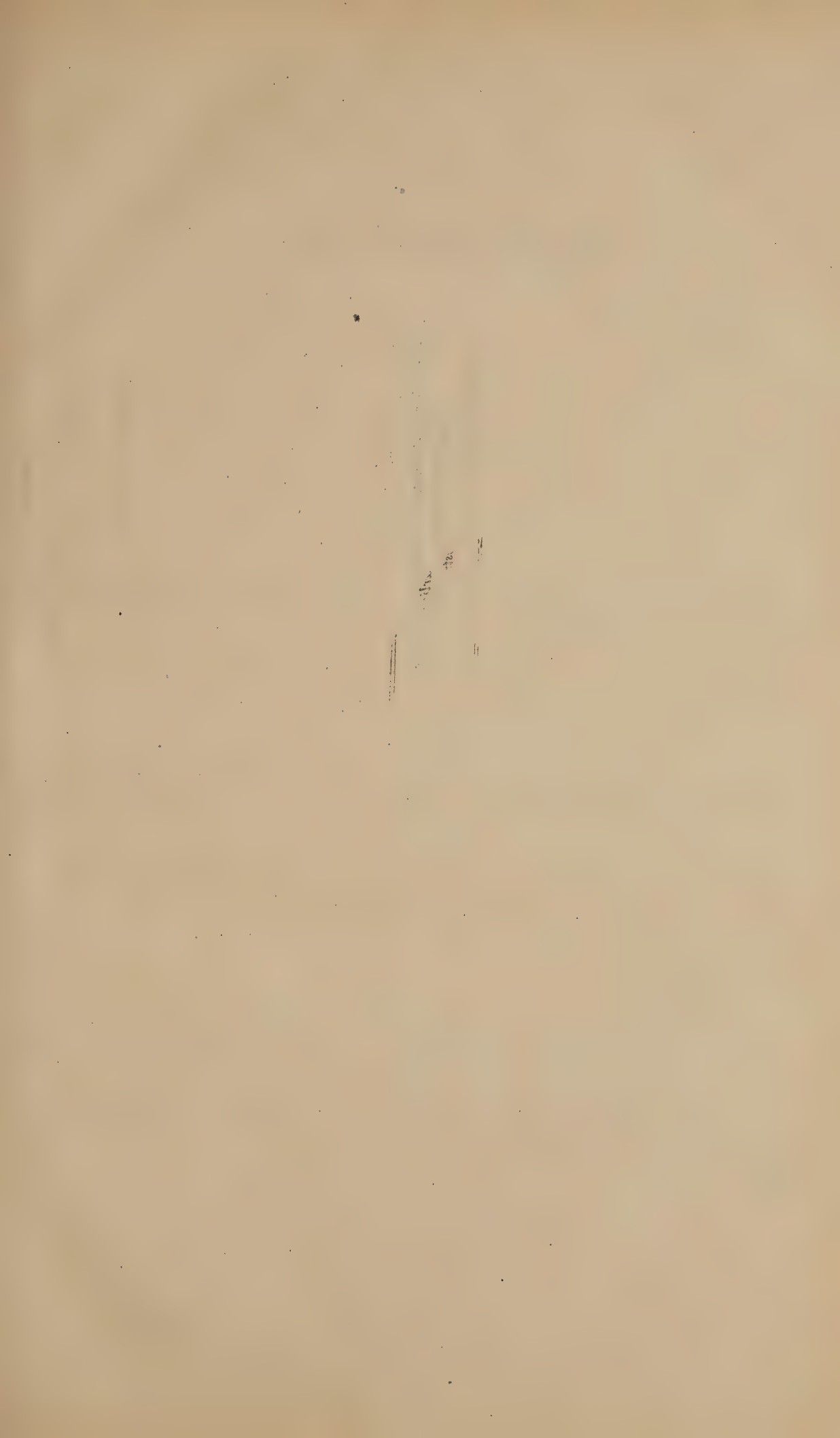
ARTICOLO XXI.

Il presente Trattato sarà ratificato dalle due Parti Contraenti, e le ratifiche saranno cambiate in Londra nel termine de sei settimane, o prima se far si può.

In fede del che i rispettivi Plenipotenziarii sottoscrissero per doppio il presente Trattato, e vi apposero il sigillo delle loro armi.

Torino, 6 Agosto, 1863.

(L.S.) GIOVANNI MANNA.
(L.S.) JAMES HUDSON.



ITALY.

TREATY of Commerce and Navigation between
Her Majesty and the King of Italy.

Signed at Turin, August 6, 1863.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

75

CORRESPONDENCE

RESPECTING

AFFAIRS IN JAPAN.

(In continuation of Correspondence presented to Parliament in
February 1863.)

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:

PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.						Page
1.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	December 24, 1862	1
2.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	December 27, —	2
3.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	November 12, —	2
	Two Inclosures.					
4.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	November 18, —	4
5.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	November 20, —	5
	Two Inclosures.					
6.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	December 3, —	6
7.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	December 3, —	9
	Two Inclosures.					
8.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	December 12, —	11
	One Inclosure.					
9.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	December 24, —	14
	One Inclosure.					
10.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	January 10, 1863	17
	One Inclosure.					
11.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	January 15, —	18
	One Inclosure.					
12.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	January 26, —	20
	One Inclosure.					
13.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	February 3, —	21
	One Inclosure.					
14.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	February 4, —	23
	One Inclosure.					
15.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	April 17, —	24
16.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	February 10, —	24
17.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	February 16, —	25
	One Inclosure.					
18.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	February 23, —	27
	Two Inclosures.					
19.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	February 24, —	29
	Two Inclosures.					
20.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	February 28, —	30
	One Inclosure.					
21.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	March 2, —	34
22.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	March 14, —	35
23.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	May 21, —	36
24.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	March 29, —	36
	One Inclosure.					
25.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	March 29, —	36
	One Inclosure.					
26.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	March 30, —	38
	Two Inclosures.					
27.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	April 14, —	39
	One Inclosure.					
28.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	April 14, —	39
	Six Inclosures.					
29.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	April 14, —	47
	Two Inclosures.					
30.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	April 14, —	48
	One Inclosure.					
31.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	April 14, —	50
32.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	April 14, —	50
	Two Inclosures.					
33.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	April 29, —	52
34.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	April 30, —	52
	Three Inclosures.					
35.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	June 26, —	55
36.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	May 11, —	55
	Three Inclosures.					
37.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	May 12, —	57
	Four Inclosures.					
38.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	May 12, —	58
	One Inclosure.					
39.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	July 22, —	59

No.							Page
40.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	May 15, 1863	59
	One Inclosure.						
41.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	May 27, —	60
42.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	May 27, —	60
	Two Inclosures.						
43.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 11, —	61
	Two Inclosures.						
44.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 12, —	63
	Two Inclosures.						
45.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 12, —	64
	Three Inclosures.						
46.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 13, —	67
	Two Inclosures.						
47.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 14, —	68
	Three Inclosures.						
48.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 20, —	70
	Five Inclosures.						
49.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 24, —	73
	Two Inclosures.						
50.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 24, —	75
	Two Inclosures.						
51.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 26, —	76
	One Inclosure.						
52.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	June 27, —	76
	One Inclosure.						
53.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	..	September 5, —	77
54.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	July 11, —	78
	One Inclosure.						
55.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	July 12, —	79
	One Inclosure.						
56.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	July 13, —	80
	One Inclosure.						
57.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	July 13, —	81
58.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	..	September 22, —	82
59.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	..	September 22, —	82
60.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	July 28, —	82
	Two Inclosures.						
61.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	July 29, —	83
	Four Inclosures.						
62.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	August 25, —	90
	One Inclosure.						
63.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	August 26, —	90
	Eight Inclosures.						
64.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	..	November 10, —	100
65.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	September 11, —	101
	Four Inclosures.						
66.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	..	November 18, —	106
	One Inclosure.						
67.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	October 1, —	107
	One Inclosure.						
68.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	October 14, —	108
	Two Inclosures.						
69.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	October 14, —	109
	One Inclosure.						
70.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	October 14, —	110
71.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	October 30, —	110
	Four Inclosures.						
72.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	October 31, —	112
	Two Inclosures.						
73.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	November 16, —	114
	One Inclosure.						
74.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	November 16, —	115
	Two Inclosures.						
75.	Lieutenant-Colonel Neale to Earl Russell	..	..	..	..	November 17, —	116
	One Inclosure.						
76.	Earl Russell to Lieutenant-Colonel Neale	..	..	..	..	January 11, 1864	117

Correspondence respecting Affairs in Japan.

No. 1.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, December 24, 1862.

THE barbarous murder of Mr. Richardson, and the murderous assault on two gentlemen and a lady who were in his company, have inspired Her Majesty's Government with great and just indignation.

It was to be hoped that the instant trial and condign punishment of the murderers, together with an offer of further reparation, would have shown, on the part of the Japanese Government, a due sense of the magnitude of the offence which had been committed. But the letter of the Japanese Ministers of Foreign Affairs, dated the 16th of September, dispels this hope. In a tone of helplessness or evasion they say that in the answer which Saboolo gave to their officer, there is something very improper, and that they will have the whole state of the case more accurately inquired into, and inform you of the result.

There could have been no doubt in the minds of the Ministers of Japan that a barbarous murder had been committed; no doubt that other murders had, at the same time, been contemplated; and the only course which a Government sensible of its duties, and able to perform them, could have pursued was to arrest, try, convict, and execute the murderers.

But even the first step of this process does not seem to have been taken.

In fixing the reparation to be required, Her Majesty's Government have had to consider the anomalous state of political rule in Japan. They find two parties who are responsible to the British Government: first, the Government of Yeddo, who, when British subjects are attacked and murdered on the high-road in full daylight, by persons who are known, nevertheless allow those persons to remain unpunished; secondly, the Daimio Prince of Satsuma, whose relation, Simadzoo Saboolo, permitted, if he did not actually order, his retainers to commit this horrible crime, and who do not punish it.

You are instructed to ask as reparation from the Japanese Government:—

1. An ample and formal apology for the offence of permitting a murderous attack on British subjects passing on a road open by Treaty to them.

2. The payment of 100,000*l.*, as a penalty on Japan for this offence.

Next you will demand from the Daimio Prince of Satsuma:—

1. The immediate trial and capital execution, in the presence of one or more of Her Majesty's naval officers, of the chief perpetrators of the murder of Mr. Richardson, and of the murderous assault upon the lady and gentlemen who accompanied him.

2. The payment of 25,000*l.*, to be distributed to the relations of the murdered man, and to those who escaped with their lives the swords of the assassins on that occasion.

If the Japanese Government should refuse the redress you are thus instructed to demand, you will inform thereof the Admiral or Senior Naval Officer on the station, and you will call upon him to adopt such measures of reprisal or blockade, or of both, as he may judge best calculated to attain the end proposed.

You will at the same time communicate the substance of your instructions to the Envoys and Naval Commanders in Japan of other European Powers; and you will concert with the British Admiral, and the naval officers of those Powers, arrangements for the safety of foreigners during coercive operations.

If the Daimio Satsuma should not immediately agree to and carry into effect the terms demanded of him, the Admiral should go with his own ship, and with such others as he may think fit to take with him, or he should send a sufficient force to the territory of the Prince, which I have been informed is a peninsula on the most southerly point of the island. He has a port, I am told, at the south-west end of the Island of Kiu-siu.

The Admiral or Senior Naval officer will be better able to judge than Her Majesty's Government can be, whether it will be most expedient to blockade this port, or whether it will be possible or advisable to shell the residence of the Prince.

I have also been informed that the Prince of Satsuma has steam-ships brought from Europe of considerable value; these might be seized or detained till redress is obtained.

During these operations, whether against the Government of Japan or the Prince of Satsuma, care must be taken by the Admiral to protect the ports where British persons and property may be in jeopardy.

The distinction between the Government and the Daimios is one that must be kept in view.

The Prince of Satsuma is said by one of the Japanese Ministers to be a powerful Daimio, who could not easily be coerced by the Japanese Government. He must not, nor must the other Daimios, escape, on that account, the penalty of their misdeeds.

I am, &c.

(Signed) RUSSELL.

No. 2.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, December 27, 1862.

YOUR despatch of the 29th of October,* received this day, does not alter in any respect the grounds upon which the decision of Her Majesty's Government was taken in reference to the murder and murderous assaults of the 14th September.

In your note to the Japanese Ministers of Foreign Affairs of the 12th of October, which is approved by Her Majesty's Government, you say that the Japanese communication of the 11th of October amounts to a denial of all redress, and that you shall so consider it, and so report it to Her Majesty's Government, unless within ten days you shall receive satisfactory and detailed information.

Your despatch of the 29th October contains no account of the reception of such satisfactory and detailed information.

You will perceive that in the instructions now sent to you, Her Majesty's Government have made full allowance for the inability of the Tycoon's Ministers to control the powerful Daimios, and Her Majesty's Government are ready to believe that the Tycoon's Ministers are willing and desirous to punish the murderers who committed the crimes of the 14th September.

It is obvious that if the Prince of Satsuma had been ready to give up the murderers, he would not have allowed a month or six weeks to pass without doing so.

If, however, since the date of your despatch, the murderers have been given up and executed, one of the demands of Her Majesty's Government will have been satisfied.

Her Majesty's Government are happy to hear that by the construction of a new road, and the removal of thousands of the retainers of the Daimios from Yeddo, chances of future collision will be diminished. These measures, moreover, show a conciliatory disposition towards foreigners on the part of the Tycoon's Government.

I am, &c.

(Signed) RUSSELL.

No. 3.

Lieutenant-Colonel Neale to Earl Russell.—(Received January 15, 1863.)

(Extract.)

Yokohama, November 12, 1862.

I HAVE the honour to report to your Lordship that I have been officially informed by the Japanese Ministers, a copy of whose despatch I have the honour to inclose, that His Majesty the Tycoon will proceed to Miako on a visit to the Mikado in the second month of the ensuing year, corresponding with the month of March 1863.

No reason is officially assigned for the projected journey of the Tycoon, nor is it stated whether His Majesty will travel by land or by sea, or how long he will be absent from Yeddo.

Such information the Japanese Government is never disposed to afford. I have,

* See "Correspondence respecting Affairs in Japan," presented to Parliament in 1863, No. 56.

however, addressed a despatch to the Ministers, a copy of which I have the honour to inclose, requesting to be informed whether the business of the Government, especially as regards foreign affairs, will still be conducted at Yeddo during the Tycoon's absence. To that despatch I have as yet received no reply; but I have endeavoured to obtain as much information as possible in respect to the object of the Tycoon's journey, and I am told that His Majesty never having been formally invested in his high position by the Mikado, now proceeds to Miako for that purpose, more especially urged to accomplish that ceremony owing to the relationship by marriage which now subsists between the Mikado and himself, and further, to mark the dependence of the Tycoon to the Mikado's authority, a point which had fallen into disuse during previous reigns.

I am also informed that the Tycoon will travel with a very large retinue, comprising the Regent of the Empire, several of the higher Daimios, one or more of the Ministers for Foreign Affairs, and several members of the First and Second Council.

It is impossible with any degree of exactitude to unravel the policy of the Japanese Government amidst the changes now in course of accomplishment in this country, or to ascertain with certainty whether those changes have been brought about by the differences of the Government with the Daimios, or arising out of its relations with foreign nations.

Inclosure 1 in No. 3.

The Japanese Governors for Foreign Affairs to Mr. Eusden.

(Translation.)

WE have the honour to inform you that it has been publicly made known that His Majesty the Tycoon is going to Miako in the second month of next year, Yeh (March 1863), requesting you to inform Her Britannic Majesty's Chargé d'Affaires of this.

With respect and consideration.

11th of 9th month of 2nd year of Bung-kew (November 2nd, 1862).

(Signed)

OKUBAY SOOLOOGA NO KAMI.
MOORAGAKI AWADZI NO KAMI.
TAKAMOTO HAYATO NO KAMI.
ISSIKY YAMASIBO NO KAMI.
TAZAWA TSOOSIMA NO KAMI.
KIKOOTSI EYO NO KAMI.
ENOWOYEH SINANO NO KAMI.
ABBAY ETSIZEN NO KAMI.
SAITO SIYATSOO NO KAMI.

Inclosure 2 in No. 3.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, November 5, 1862.

I HAVE been informed by Mr. Eusden, Japanese Secretary, that the Governors for Foreign Affairs have addressed to him a letter informing him that His Majesty the Tycoon purposed proceeding to Miako on the second month of the next year, and requesting Mr. Eusden to inform me of that circumstance.

I have the honour to express to your Excellencies my regret that so important an announcement should not have been deemed by you a subject proper to be communicated by you directly to the Representatives of foreign nations.

It becomes now my duty, acting upon the information so conveyed to me, to request your Excellencies to inform me, for the information of Her Britannic Majesty's Government, and for my own guidance, whether during the absence of His Majesty the Tycoon, the Supreme Government of Japan, and more especially the administration of foreign affairs presided over by your Excellencies, will be conducted as heretofore at Yeddo.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

Lieutenant-Colonel Neale to Earl Russell.—(Received January 26, 1863.)

My Lord,

Yokohama, November 18, 1862.

AMIDST the current of events through which our diplomatic and commercial relations have been maintained in this country with such consistent tenacity, I venture to believe that it would not be inappropriate to record the personal and exceptional situation of the members of Her Majesty's Legation at Yeddo, as contrasting with any that can well be contemplated at a distance, and contrasting also with the ordinary course of official and private tranquillity into which Her Majesty's Diplomatic servants in Japan will doubtless settle at a later period of our intercourse.

The arrival of the Legation at Yeddo is on each occasion preceded by a notice addressed to the Japanese Ministers for Foreign Affairs. On reaching the shore (which occupies from one and a-half to two hours, as the distance from the anchorage is between three and four miles) the boats containing the members of the Legation and guards are received by a hedge of yaconins, who restrain within certain bounds the crowd which assembles on these occasions. Accompanied by the guards, the Legation residence is reached on foot, and sentries from the British guard are at once posted round it. The all but empty house is rendered habitable with the requisites and attendants brought from Yokohama. The main body of the Japanese guards appointed for the protection of the Legation, and amounting to between 200 and 300 men, but whose presence inspires little confidence, muster about their wooden huts on the rising ground around the Legation and along the avenue which leads to it.

Preparations are now actively hurried to ensure the appliances requisite for the guards within the Legation inclosure at night. Fire-wood is brought and piled on the lawn, and the numerous lanterns which are hung round the inclosure are trimmed and suspended in their places. At nightfall the sentries are increased, the bonfire and lanterns are lit, throwing a glare on all the neighbouring thickets and on all surrounding objects. The night is passed by the hourly rounds and the relief of sentries. The orders given to the sentries (with the knowledge and concurrence of the Japanese authorities) are to shoot all Japanese approaching their posts within the well-defined precincts after dark.

On the occasions when official visits are paid to the Ministers who reside at a distance, which occupies two hours to reach, the British mounted escort, consisting of ten men, accompanies the cortège; but the Japanese authorities appear to consider it indispensably necessary to surround it with from twenty to thirty horsemen of their own, who precede and follow, closely watching the movements of all persons in the streets, and especially of two-sworded men, and even a single man if he is seen approaching; for the sole act of drawing his sword impels the stroke which has so often inflicted a death-wound.

Notwithstanding these precautions—and they can hardly be increased—startling incidents are of not unfrequent occurrence, serving as warnings of more serious casualties which may befall one at any moment. On one of the last occasions that I visited the Ministers, attended by the cortège I have described, forming a retinue of about fifty persons, my horse plunged and reared amidst a general tumult, when two horsemen passed me, coming from behind at full speed, rushing through our ranks, striking the horses of our Japanese guards with heavy sticks, and pursued by the whole body of them. I was now left with the few men of the British escort in the middle of Yeddo, but continued on my road to the official residence of the Ministers; after a while we were rejoined by the Japanese guards, who returned breathless from their pursuit, but without having overtaken our assailants. I was told they were adherents of the Prince of Satsuma.

On ordinary occasions, any member of the Legation who may walk or ride for exercise out of the limits of the Legation inclosure is surrounded by Japanese guards, who gather in the closest contact round him upon the approach of any two-sworded man; but should the procession of a Daimio be met while riding, they are reduced to the necessity, according to the usage of this country not yet overcome, of breaking into single file, and thus exposing to isolated attack from passing retainers the foreigner they may be guarding.

I should add that the French Legation is in every respect in the same position as what I have above described to be that of Her Majesty's Legation, nor is there any difference in the case of the American or Dutch Missions, save in the particular that they have no guards of their own nations, but, on the other hand, have around them a still greater number of Japanese guards, many of whom occupy rooms within the Legation

buildings—a proximity from which Her Majesty's Legation is grateful to be relieved by the assuring presence of our own countrymen.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

No. 5.

Lieutenant-Colonel Neale to Earl Russell.—(Received January 26, 1863.)

(Extract.)

Yokohama, November 20, 1862.

A VERY general report prevailed here a few days ago that the Regent of the Empire, who has taken an active part in all the innovations upon old-established customs recently adopted, had been assassinated in the Tycoon's palace in Yeddo.

In the absence of all sources from whence authentic information can be obtained upon these occasions, I decided upon addressing the Japanese Ministers themselves, requesting to be informed if the report referred to had any foundation in truth, and at the same time to try the experiment of seeking from the Ministers official information respecting the changes which have recently taken place.

Contrary to my expectation, I received an early reply from the Ministers to the letter I had addressed to them. I have the honour to inclose copies of this correspondence, and your Lordship will observe that the report respecting the Regent's assassination was incorrect; but it is still the popular belief that an attempt has been made on his life, arising more directly, it is said, out of retrenchments he had recently directed in the quantity of rice allowed daily to public officers, guards, and attendants, and which had never before been subjected to diminution.

In respect to the Decree referred to by the Gorogio, which enables the Daimios to reside with their families on their estates, the motives assigned to this measure are twofold. On the one hand it is believed, I think with good reason, that the return of the Daimios to their domains is ordained with a view to their being better enabled to carry out measures of defence within their territories, especially on the coast, by erecting new batteries and collecting their adherents for the purpose of better resisting whatever hostile measures any of the Western Treaty Powers may adopt, arising out of outrages sustained, or which may hereafter be sustained, by their subjects.

In support of this impression I should state to your Lordship that I learnt recently from the Commander of the United States' war-steamer "Wyoming," which arrived here from Nagasaki, that several fortifications on a formidable scale were in course of active construction at different points in the inland sea, and especially at the entrance and outlet into the Pacific of the Bay of Osaka. The anxiety of the Japanese Government to seek every information within their reach respecting the best description of artillery, and especially as to Armstrong guns, doubtless for the purpose of arming these and other batteries, would all seem to point to preparations of a defensive character, in anticipation of troubles which might in the course of events chance to arise with one or more of the Treaty Powers, or of more immediate pressure which Great Britain may apply in obtaining satisfactory redress for reiterated outrages. To this may be added the projected departure of the Tycoon to a point of the Empire less accessible to foreign ships of war.

On the other hand, it is stated that all the measures recently decreed by the Government have been instigated by the party attached to the pre-eminence of the Mikado over the power usurped by the Dynasty of the Tycoon, whose present supremacy is believed to be gradually declining. Thus the projected journey of the Tycoon to Kioto (Miako) for investiture is the first on record since a similar journey performed in 1623 by the third Emperor of this Dynasty; Envoys subsequently to that period having on the occasion of each new succession of a Tycoon come from the Mikado to Yeddo charged with that office. Coupled with the journey of the Tycoon are the sumptuary laws which dispense with distinctive symbols of official costume, and, finally, the liberation of the Daimios from attendance at the Tycoon's Court, save at long intervals; all measures which, in the opinion of some well-informed persons, have for their object and tendency to elevate the supreme authority of the Mikado, while it lowers in the person of the reigning Tycoon the position and authority hitherto usurped and enforced by his Dynasty.

Inclosure 1 in No. 5.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, October 27, 1862.

I HAVE the honour to address your Excellencies under the circumstances of the general report which prevails, that the Gotiro or Regent of this Empire has been assassinated at Yeddo. While conveying to your Excellencies my sincere hope that so lamentable a report may be ill-founded, I request of your Excellencies to afford me some official information respecting this serious subject, which cannot be otherwise than of great interest to all nations in relation of peace and amity with Japan.

Public and universal report proclaims also the accomplishment of great changes ordained by the Government of His Majesty the Tycoon within the last few days, affecting the institutions of this Empire, in regard to the residence of the Daimios in Yeddo, and in other established usages of this country. Such important changes are of political interest to friendly nations, which are guided in their relations with Japan according to their knowledge of the institutions and circumstances which exist. Upon these grounds I am called upon to request your Excellencies to afford me such intelligence as you may deem it consistent with your duties to communicate.

A serious and urgent communication.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 5.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have received your despatch dated October 27th.

You have stated that a report has reached you that an accident had befallen the Regent, but it is altogether without foundation. But with regard to the political changes, it has been decreed that the Princes (Daimios) who hitherto resided at Yeddo one whole year out of the two, shall henceforth only repair thither after the third year, and fixing amongst themselves the time when they are to relieve each other, shall alternately reside there about 100 days; furthermore, that they are at liberty to allow their wives and children to remain in their domains.

Besides these are some minor changes, but of not sufficient importance to communicate to you.

With respect and consideration.

12th of 9th month of 2nd year of Bung-kew (November 3, 1862).

(Signed)

MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.

No. 6.

Lieutenant-Colonel Neale to Earl Russell.—(Received February 12, 1863.)

My Lord,

Yeddo, December 3, 1862.

I HAVE the honour to lay before your Lordship copies of two despatches I have received from Mr. Ensle, Acting Consul at Hakodadi, conveying to me the substance of petitions recently addressed by a large number of the principal adherents of hostile Daimios through the Mikado to the Tycoon.

It is impossible to be satisfactorily convinced of the authenticity of these documents, but in the present instance some time has elapsed since they came to Mr. Ensle's knowledge, and nothing which has transpired has served to lessen the probability of a petition, in the terms described, having been addressed to the Tycoon.

If this be so, the statements and sentiments expressed partake, I venture to think, of considerable interest.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 6.

Acting Consul Enslie to Lieutenant-Colonel Neale.

Sir,

Hakodadi, October 17, 1862.

THE various documents which I have lately obtained clearly proves that we are rapidly approaching a Japanese-European crisis, and it may reasonably be feared that the sequel will be terrible.

As the endeavours of the loonins, bribed by the Daimios to excite a hostile movement against Yeddo and against foreigners, have not succeeded, the anti-foreign Daimios have drawn away the veil which hid their designs, and now loudly utter their demands.

They commence the attack by a series of protestations as bold towards the Government of the Tycoon as they are insolent with regard to foreigners. Kiusiu and Shikoku are at the head of this movement, and the other Daimios of the south-west of Japan follow in the rear; and the representations of their secret envoys to Kioto appear very modestly worded when compared with the audacious tone of their proclamation.

I shall not trouble you with a literal translation of the long document, as a summary of its contents will easily show its tendency.

They commence with accusations against the Yeddo Government, and repeat a hundred times that the administration is wretched, but assign no reasons, nor do they endeavour to prove their assertions. The old objection that the Tycoon did not ask for the Mikado's sanction before ratifying the Treaties is repeated again and again. The Tycoon is called the Mayor of Kuanton (the Eastern district of Yeddo), and they threaten to renounce their allegiance to him, and transact the affairs of the State only with the Mikado.

In that part of the document in which the Daimio of Mori states his grievances, he says: "The Mayor of Kuanton will thus be left to his own resources, and how will he then resist the Te-hits-roa (English, French, Russians, Americans)? The Tycoon is young and unable to govern. Everybody laughs at him! The Daimio of Satsuma has acted rightly in demanding the reins of government, and this would perhaps be a remedy for every evil. But why does not the Mayor of Kuanton take the advice of those who understand his situation, and know the remedies: why does he not consult the learned Naga-oota before the nation has proceeded to such extremities?"

The other Daimios express themselves in a more audacious manner. It is an undeniable fact that the Yeddo Government has merited their criticism, but the Daimios of the Opposition doubtless have not unveiled all the vices of the Government of the Tycoon, as their own is equally bad. They have resisted the encroachments of the Yeddo Government for centuries, and wishing to avenge their personal grievances they have made the opening of Japan to foreigners a pretext to demand the deposition of the Tycoon.

At present they do not speak about political economy, nor do they complain about the state of their Treasuries; in their previous document they said that foreign trade was one of the banes of Japan, now, however, it appears that we are the only cause of their complaints. The only cause which makes them express their opinions is patriotism.

"Japan ought not to have been open to foreigners. If, as you assert, you were forced to accede to the wishes of the barbarians, the opening of the other ports can and must be postponed until Japan is sufficiently fortified. At present we certainly cannot receive the proud barbarians, nor can we show them the glory of our great country. Our army and navy are not formidable enough. What a disgrace to our country that we are not able to say to the newly arrived foreigners as we did to those at Decima: 'Fear, tremble, and obey!' Japan is a great Empire, it must be fortified, and then the Tehitsroa will not despise us. They laugh at us now, and this certainly is our own fault. We gladly sacrifice ourselves if this will wipe out the stain. If, as you say, it is impossible to undo what has been done, the privileges they at present enjoy in Japan must be lessened, and their liberties restricted. We fully agree with you that it is difficult to break off at once all connection with foreigners, and the Tycoon must, therefore, go to Kioto to confer with the Mikado regarding the measures which must be adopted to maintain the dignity of Japan, if we really must receive the Tehitsroa."

As I have already said, this document is written by Kiusiu and Shikoku, but the writers take great care to state that the south and south-west parts of Japan entertain the same opinion. They seem to say to the Mayor of Kuanton, "Count your forces, as we have counted ours." All the malcontents have put a stop to their journeys to Yeddo; the timid and polite Daimios have sent excuses—sickness, dangerous times, &c., &c.; others have turned back on the road, after a conference with their colleagues.

I shall now take the liberty of giving you a true translation of another and still more important document.

As soon as the Daimios were informed that a delay had been granted to Japan for the opening of other ports, they sent a Proclamation to Yeddo through the Mikado, in which they claimed the honour of having forced the foreigners to grant this delay. I have not been able to obtain this declaration, which is said to be very long, but I have the honour of submitting to your notice a translation of the instructions of the Mikado to the Gioshee or to his Envoy to the Tycoon, which contains the demands of the Daimios:

"The honour and safety of our country," says the Kirambaku (the highest dignity after the Mikado), "not only demand that the Tehitsroa shall not enter our sacred Empire any further, but the liberties they at present enjoy must be restricted. It is quite natural that they renounced their supposed rights to Osaka and Yeddo, and in doing so they showed a little common sense. I have ordered Oobara Saimon to inform you of the contents of the petition of the Southern Daimios. As the peace which has long reigned in Japan renders it impossible for us to enforce our orders on the Te-hits-ro-a, they must be reasoned with. Kanagawa must be closed, as their residence in that port is a disgrace to the nation, and the reasons assigned for Osaka and Yeddo must be again adduced. Tell them this is absolutely necessary for the peace of Yeddo, and that 'when a nation experiences no change it enjoys peace.'"—(Extract from "Long-Yu," one of the four classical Chinese books.) "You must also add that the presence of foreigners at Kanagawa (Yokohama) increases the price of the daily necessities of life, thereby causing great discontent among the people, who no longer obey their superiors.

"The Daimios say that the Tehitsroa ought to be sent back to Nagasaki, as was formerly the case. As this would perhaps be rather difficult, we must allow them to remain at Hakodadi. Great difficulty will perhaps be experienced in obtaining their consent to leave Kanagawa; if, therefore, they will not listen to your reasons, Shimoda can be offered to them in exchange for Kanagawa. This is all that can be done; and if this last proposition does not please them, you must postpone your decision until you have seen us.

"You may let them entertain a slight hope that Kanagawa will be re-opened at some future period, for the Daimios say that Japan will be able to receive foreigners without blushing in six or seven years. Our Envoy has received strict orders not to leave Yeddo until you have solemnly promised to do your utmost to replace our country in the position it occupied when the Ooranda were at Nagasaki."

This new document will doubtless surprise you still more than the former one, and, while vouching for its authenticity, I trust I may in some measure prepare you for the strange proposals the Yeddo Government will make to you.

The hostility of the Daimios, who are oppressed by the Tycoon and his Government, the fears they entertain that the importance and power of Yeddo will increase by its intercourse with foreign nations, and their national pride, which cannot brook the equality which exists in civilized countries and among civilized people, are the three principal causes of the anti-foreign movement in Japan.

In conclusion, I take the liberty to add a few words about the journey of the Tycoon to Kioto. He cannot go to Miako alone, as his youthful age renders it impossible for him to decide upon matters of such importance. He has, therefore, been forced to look out for a counsellor; and this is certainly no easy matter, as his choice has to be confined to the eighteen elder branches of the Daimios, who nearly all entertain hostile feelings against the Lieutenant of the Mikado. After long consultations, proposals have been made to the Daimio of Shendai, who has, however, not yet sent his reply.

I have, &c.

(Signed) JAMES J. ENSLIE.

Inclosure 2 in No. 6.

Acting Consul Enslie to Lieutenant-Colonel Neale.

(Extract.)

Hakodadi, October 16, 1862.

IN accordance with your instructions I have the honour to forward you a copy of the translation of the Daimio's petition I lately had the pleasure of submitting to your notice:—

"When you consulted us about the new relations into which we were to enter with foreigners, you told us upon the authority of a certain Harisoo (Mr. Harris, the American Minister) that the Treaty would give us plenty and abundance. Both you and Harisoo said that cotton would be sold for a mere nothing, and that silk and manufactured goods

would not cost us anything. The daily necessities of life would be brought to our country from all the quarters of the globe, and our farmers would not be required to sow and reap. We anxiously expect these miracles, and at present enjoy advantages which you never mentioned, namely, that those articles which you and Harisoooh promised to give at very low prices are now three times as expensive as they formerly were. You told us that our treasuries would always be open to receive the enormous riches which our intercourse with foreigners would procure us. It is an undeniable fact that our treasuries have continually been open; but instead of receiving money, we have been called upon to sacrifice the little we possess.

"You monopolize the import and export duties completely, and we had a right to suppose that those duties which, according to your statements and those of your financier Harisoooh, would enrich the Japanese nation, ought to cover expenses, such as building fortifications and buying men-of-war, which you say must inspire the barbarians with the respect due to our great country. But what have you done for the last three years? What has been the tenour of all your despatches? Japan must be fortified, fortifications must be built, the artillery and navy increased. Money is required. The presence of foreigners occasioned great expenses, entertainments must be given to the Ministers, the petty Consuros cannot be forgotten, and foreigners must be made to respect and fear our great nation by witnessing the boundless resources of the country, and the majesty of its ruler.

"If we could only see those fortifications, those men-of-war, we would complain less about the expense; but everything is proposed, and nothing executed. You think that drawings and plans will scare foreigners, and cause them to flee from our country, but we doubt it, for they nearly equal us in this art. You sometimes talk to us about political economy, and we candidly own you give us excellent advice; unfortunately we have numerous proofs that you do not follow the precepts you give us. Why was such an incredible sum of money spent for all the vain and useless pomp which accompanied the sister of the Mikado on her journey to Yeddo preparatory to her marriage with the Tycoon? Why was so much money expended in rebuilding the palace of the Tycoon? We shall not mention the various ways in which public money is wasted, as this would cause our nation to blush, and the Mikado to mourn. Public rumour, however, says that numerous thefts have been committed by the highest officers of the Tycoon; if any protest against the course which is now pursued, they are instantly and mysteriously silenced for ever.

"As you always remind us of the great principles of political economy when you demand pecuniary supplies, pardon us for making the following remarks:—

"Owing to the troubled state of the country, the presence of the Daimios at Yeddo was formerly highly necessary.

"This is not the case at present, and still our Lords are travelling to and from the capital. The personal fatigue, vexation, and the expense of the immense retinue which always accompanies them, can no longer be supported. The time has come that these ruinous journeys should cease, and that the Lords of Japan declare themselves unable to defray the expenses which you impose upon them.

"As foreign trade has nearly ruined us, and as fortifications and numerous other unforeseen expenses are deemed necessary in all the ports which have been opened to the barbarians, we not only demand that the new ports, Osaka, Neegata, and Yeddo, shall not be opened, but that Kanagawa be closed. You always assert that we are opposed to friendly intercourse with foreign nations; but this is utterly false. We willingly consent to open the whole of Japan if this step does not occasion expenses which surpass our means. We have not murdered our adherents who were favourably inclined towards the opening of Japan to foreigners.

"You teach the young to despise and insult foreigners; and although you always tell us that the foreign nations are powerful, and greatly to be feared, a high functionary of the 'Tori' lately said that, with the exception of the Russians, all the foreigners could be insulted with impunity."

No. 7.

Lieutenant-Colonel Neale to Earl Russell.—(Received February 12, 1863.)

My Lord,

Yeddo, December 3, 1862.

WITH reference to my previous correspondence upon the subject of the danger which was risked by British subjects, in common with all other foreigners, when availing themselves of the privilege of walking or riding on the tokaido or high-road in the vicinity

of Yokohama, I have the honour to lay before your Lordship copies of a correspondence which has taken place between the Japanese Ministers and myself upon that subject.

Your Lordship will be gratified to observe that, by the establishment of numerous guard-houses, the duties and responsibilities with which the guards are charged, and the further arrangements in progress, the Japanese Government evince an undeniable anxiety, which no inconvenience or expense has abated, to avert the possibility of the collision of foreigners with the retinues of Daimios, who are in reality very little under control, especially when leaving Yeddo armed and in large numbers, to return to the almost independent possessions of their chief.

In the meanwhile, neither the notifications from time to time issued by Her Majesty's Consul, under my instructions, cautioning the community of the risk which still exists on the tokaido until the new road is opened for Daimios, nor the knowledge of past or occurring incidents, appear to deter them from frequenting it for their recreation.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 7.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, November 22, 1862.

I HAVE been informed by the British Consul at this port that the Governor of Kanagawa had written to him that twenty-three guard-houses had been erected between Kawasaki and Hodogaya, and that officers had been placed in them, and that the Governor requested the Consul to inform British subjects of these arrangements.

The urgent necessity of rendering safe the tokaido within the limits assigned to foreigners has been the subject of serious communications between myself and your Excellencies, both verbal and written, since the occurrence of the murder and outrage upon British subjects on the 14th September.

I have been awaiting a communication from your Excellencies as to the accomplishment of the various measures which you have assured me should be executed to avoid the recurrence of such serious events.

Your Excellencies have not written to me upon this subject, but have directed the Governor to inform the Consul.

This communication having thus indirectly come to my knowledge, I have the honour to state that I am entitled to expect some more explicit and detailed information from your Excellencies with regard to the measures adopted, and remaining still to be adopted, in order that British subjects may be informed that they can proceed in safety and without risk of outrage on the tokaido within the whole of the limits. I have the honour to request your Excellencies to inform me—

1. Whether the twenty-three guard-houses are the whole number which it is intended to construct?

2. Whether the five guards placed in each of them are permanently stationed there, so that they may know the foreigners who pass, or whether they are changed?

3. What are the orders given to the guards with regard to the protection of foreigners? A point upon which I have to request your Excellencies will afford me full and explicit information.

4. Whether the new road is already open for the passage of Daimios, and if not when it will be opened? And

5. Finally, whether British subjects can under present arrangements proceed without risk of encountering outrage or insult from the cortège of Daimios or others upon the tokaido within the limits.

An urgent communication.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 7.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have received your despatch of the 22nd November, and have fully understood the five points you have adduced, and that you have disapproved of the erection of the

watchhouses between Kawasaki and Hodogaya being communicated by the Governor of Kanagawa to the British Consul, as it ought properly to have been made known to you.

It was our intention to have sent you a communication on this subject as soon as the measures of protection were completed. And the communication which was made by the said Governor to the British Consul was but verbal, merely mentioning that the watchhouses were erected; thus this cannot be construed into our having acted improperly, but as you wish it we will answer your five questions.

1. You have stated that twenty-three watchhouses had been erected, but what we have undertaken to do is the erection of nineteen watchhouses and five smaller ones, which is the number that was fixed on after the Governor of Kanagawa with his officials had pointed out the proper places. Besides these, there are ten other places for officials who are to give assistance to the aforesaid watchhouses in case of need.

2. The guards placed in these watchhouses relieve each other, but of course they know the foreigners that pass by, and five officials are always present in the said watchhouses.

3. In the event of any accident (insult, attack, murder) taking place, the guards are to hasten to the rescue, and to protect and defend, and others are to give notice to the different watchhouses, and thus assistance will be obtained, and united they will endeavour to prevent anything improper happening.

These are the instructions we have already issued.

4. The making of a new road for the Daimios to travel on has already been decided on, as we have already informed you; but we have something to communicate to you respecting this new road, which we will do at our next interview.

5. Regarding this point, it will of course be settled according to your desire, after all the measures have been completed; thus we can assure you beforehand that there will be a time in the future when not only you but we ourselves will feel perfectly at ease.

With respect and consideration.

11th of 10th month of 2nd year of Bung-kew (December, 1862).

(Signed)

MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.
OGASAWARA JEWSIO NO KAMI.

No. 8.

Lieutenant-Colonel Neale to Earl Russell.—(Received February 25, 1863.)

My Lord,

Yeddo, December 12, 1862.

IMMEDIATELY upon receipt of your Lordship's despatch of the 22nd September last,* conveying instructions to me with reference to the attack on Her Majesty's Legation on the 26th of June, I sought and obtained an interview with the Japanese Ministers.

I commenced the conference by requesting the Japanese Ministers' attention to the subject of my interview without interposing any incidental remarks to the communication I was instructed to make to them, until I had concluded what I had to say, to which they readily assented.

I then read the paper of which I have the honour herewith to inclose a copy, and which was interpreted by Mr. Eusden from a translation already prepared.

Having attentively listened to what I stated, the Ministers rejoined by some remarks which are annexed to that document, reserving their explicit reply to a later date, when they said they would answer my communication at length. After awaiting twelve days at Yeddo the determination of the Japanese Government I purpose to return to Yokohama, as the duties imposed upon the guards attached to the Legation during the residence of its members here is necessarily under present circumstances harassing; but I have every reason to expect that I shall be enabled to lay before your Lordship the reply of the Japanese Government to the communication I have made, by the same mail which conveys this despatch, and by the succeeding mail I shall have the honour to report to your Lordship such further measures as I shall have deemed it to be my duty, according to circumstances to adopt, within the limit of your Lordship's instructions.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

* See "Correspondence respecting Affairs in Japan," presented to Parliament in 1863, No. 34.

Inclosure in No. 8.

Memorandum communicated verbally to the Japanese Ministers for Foreign Affairs at Yeddo, on the 4th December, 1862, by Her Britannic Majesty's Chargé d'Affaires.

HER Majesty has learned with sorrow and indignation the events of the 26th of June in Her Majesty's Legation at Yeddo.

Her Majesty's Minister has had under his notice the very unsatisfactory apologies and declarations of the Japanese Minister upon this subject.

I am directed to state that some circumstances connected with the murders perpetrated on two of Her Majesty's subjects employed in Her Majesty's service, and actually engaged in defending Her Majesty's Legation, have produced a very painful impression.

Some of these circumstances are:—1. That whereas the Japanese Guards employed when the murderous attempts of last year took place, bravely defended the Legation and exposed their lives in the performance of their duty, the followers of the Daimio employed on the present occasion, although sufficiently numerous, behaved in the most cowardly and treacherous manner. The inference would appear to be that the former guards were removed for their fidelity, and the guards who behaved in a cowardly and treacherous manner were expressly chosen for their want of courage and fidelity. 2. That the Japanese Governor for Foreign Affairs, who called on me the day previous to the murderous assault, exhausted his communications in congratulations, and when it was afterwards asked why he did not warn me of my danger, he admitted the omission but failed to account for it. The inference would seem to be that the visit of congratulation was intended to put me off my guard, and to prevent my taking those precautions which would have saved the lives of the unfortunate victims. 3. The number of wounds—sixteen in the person of one, and nine in that of the other murdered man—would seem to show that the assassins were several, and that the Japanese yakonins or guards connived at the assassination. The inference would seem to be that the Daimio intrusted with the defence and protection of Her Majesty's Mission secretly favoured an attempt to murder the Chargé d'Affaires and all the members of the Queen's Mission. 4. Neither on the last occasion of murderous and midnight assault, nor on the present, have the Japanese Ministers given any assurance of efficient protection for the future. And I have on my own part to add and to observe to your Excellencies, that upwards of five months have now elapsed since the occurrence referred to, and I have still received no such assurance based upon any measures which the Japanese Government may have adopted to attain that end. The inference would seem to be that the Japanese Government indulges a secret hope that the sense of insecurity may at length induce Her Majesty's Government to abandon Yeddo, and gradually allow the ancient custom of non-intercourse and prohibition of trade to be re-established.

Her Majesty's Minister observes that these are grave suspicions, and that it is painful to be obliged to entertain them, but that they are suspicions which nothing but the most searching inquiry into the past, and the most efficient protection for the future, will suffice to dissipate.

Her Majesty's Government are glad to see the readiness with which the Representatives of the Emperor of the French, and of the United States and other Powers, evinced their horror, indignation, and sympathy at the event which had occurred.

I am charged to urge upon the Japanese Government the duty, for its own sake, of a strict inquiry into this deplorable occurrence; and I am further instructed that if the Daimio in charge of the Legation, as there is every reason to believe, betrayed his trust, and connived at the attack on the Legation, he should be openly degraded and severely punished. Upon this point I am called upon, on my part, in the meanwhile to declare to your Excellencies, as I have already recorded in my letter addressed to you on September 9th, and a copy of which I have transmitted to Her Majesty's Government, that the result of the investigation into the conduct of the Daimio, Tamba no Kami, and of the others directly or indirectly implicated in this occurrence, and the punishments awarded as communicated by you to me, and copy of which I have also transmitted to Her Majesty's Government, were altogether insufficient and unsatisfactory. These punishments, especially as relate to the Daimio, Tamba no Kami, who, as it is acknowledged in the report furnished to me of the investigation, failed, if he did nothing worse, to give the necessary orders to his guards for the performance of their duty, which duty expressly and solely consisted in duly protecting and in coming to the immediate aid of Her Majesty's Legation if attacked, yet remain to be reconsidered, revised, and awarded, consistently with the magnitude of the offence and most serious neglect of duty avowed to have been by them committed.

If the Government of the Tycoon is properly impressed with the desire of affording

complete satisfaction, calculated to assure Her Majesty's Government of his sincere wish to maintain friendly relations, the Daimio, Tamba no Kami, will be openly degraded, and receive a far more severe punishment than the arrest to which he voluntarily subjected himself.

Reserving this point for further adjustment, I have to state to your Excellencies that I am charged and instructed to demand of the Japanese Government compensation for the families of the unfortunate men who have lost their lives in the service of their country, the amount fixed being 10,000*l.* sterling, to be paid in gold. This sum, it is observed by Her Majesty's Minister, should be levied on the estate of the Daimio in charge of the Legation at the time of the assault.

Having now accomplished my duty in making the above communication with which I have been charged consequent upon the outrage committed upon Her Majesty's Legation of the 26th of June, I shall await with anxiety a reasonable period the definite and explicit acceptance by the Tycoon's Government, conveyed to me through your Excellencies, of the specific demand I am now instructed to make.

The gravity of the outrage committed does not permit me to contemplate its aggravation by the interposition, on the part of the Japanese Government, of difficulties or prolonged discussions.

It remains for me, as a bounden duty, in conclusion to call your Excellencies' attention to the lamentable and regrettable fact, that when my present instructions were addressed to me, the intelligence conveyed by me to Her Majesty's Government of the barbarous murder and outrage more recently perpetrated upon other British subjects in open day on the high road, without the shadow of an extenuating circumstance, had barely left this Legation. Seventy days have now, however, passed since that occurrence, and your Excellencies have not placed it in my power to lay before Her Majesty's Government a recital of any definite acts or measures adopted by the Tycoon's Government with a view of voluntarily tendering satisfaction for this fresh outrage, which has been superadded to the rest, or calculated to guide or modify the decision of Her Majesty's Government in respect to the degree of reparation it will require in due course of time at the hands of the Japanese Government.

I have still an important statement to address to your Excellencies, and to which I solicit your marked attention. It is, that no situation of affairs affecting the personal safety of the members of Her Majesty's Diplomatic and Consular Officers in Japan or of British subjects in general residing in this country, will deter Her Majesty's Government from maintaining the position assigned to Her Majesty's subjects by solemn Treaty rights, whether as to locality of residence or in the conduct of their affairs. The personal security of British subjects in Japan, if unassured or unafforded by the Japanese Government, will have alone for its result the necessity of augmenting the means of independent protection and defence, which Her Majesty's Government will not fail to afford in proportion as the absence of such security is maintained or becomes more evident.

The Japanese Ministers then said:—We have understood all you have said to us, but we trust when the report of all that we have done in this matter reaches the British Government that it will modify the inferences it has drawn.

Chargé d'Affaires.—I do not think that probable, as you have afforded me no additional information which I could communicate to my Government calculated to produce that effect.

Japanese Ministers.—But we are especially pained to observe that the British Government entertains the impression that the Japanese Government was implicated in the attack on the Legation. Do you really think so yourself?

Chargé d'Affaires.—You have afforded me no substantial grounds for forming an opinion upon that subject. The Governor whom you sent to me on the morning of the attack avoided warning me of my danger, and I repeat that had he acted differently the murdered men would have been saved.

Japanese Ministers.—But you have had opportunities since of judging of our conduct. Will you not write to your Government to disculpate us from the imputations conveyed in the inferences derived from the first reports? Probably it will then modify its decisions.

Chargé d'Affaires.—What has transpired since my first report of the facts which occurred has consisted (after great delays) in your communication to me respecting the investigation you had made, and the punishment you had awarded, which I communicated to my Government, and which I wrote you at the time was most unsatisfactory. I warned you at the time that I could only write during the six months (nearly) which have passed such further particulars and explanations of this outrage that you thought proper to communicate to me. You have communicated nothing. I have now received instructions to make an explicit demand.

Japanese Ministers.—Our observations do not refer to the amount of the compensation demanded; but we desire to remove the imputation of complicity.

Chargé d'Affaires.—That is natural and just, and I will state all which is in my power calculated to aid you in so doing; but the observations which Her Majesty's Secretary of State has made upon the facts as they occurred, and as I reported, do not necessarily bear directly upon the compensation demanded, which marks the sense of Her Majesty's Government of the great outrage which was committed upon Her Majesty's Legation, and the main facts of which remain always the same. The punishments you awarded to the surviving delinquents have since been meagre and insufficient.

Japanese Ministers.—But we acted in that matter according to the old institutions of our country.

Chargé d'Affaires.—We have also old institutions which require reparation for the outrages committed within the sacred limits of a British Legation, and for the murder of British subjects.

Japanese Ministers.—We shall attentively consider and in a short while reply to your communication.

The Conference here closed.

(Signed)

EDWD. ST. JOHN NEALE.

Yeddo, December 4, 1862.

No. 9.

Lieutenant-Colonel Neale to Earl Russell.—(Received February 25, 1863.)

(Extract.)

Yokohama, December 24, 1862.

WITH reference to my preceding despatch, dated the 12th instant, I have the honour to lay before your Lordship a copy of a despatch which has been addressed to me by the Japanese Ministers in reply to the verbal and written communication made by me to them in Yeddo on the 2nd instant, in accordance with your Lordship's directions.

Your Lordship will observe that after entering into an elaborate disculpation of the inferences deduced from the facts attending the murder of the two British guards on the occasion referred to, the Ministers conclude by declining to assent to the amount of compensation I was instructed by your Lordship to demand from the Japanese Government, but repeat their readiness to pay the sum of 3,000 dollars, which they had previously offered.

Inclosure in No. 9.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have attentively perused your letter dated December 4th, which you gave us at the last interview.

The occurrence in which Ito Goonbay, retainer to the Daimio Matsdaira Tamba no Kami (one of the Daimios to whom the protection of your temporary residence ('tozengee') was entrusted), in the night of the 29th day of our last 5th month, attacked your residence and murdered and wounded two British sentries, caused us in truth very great sorrow, as we at the time repeatedly told you, and which even for us was a very sad event.

All that is communicated in the letter which by order of your Government you wrote to us, has already been maturely discussed at our last interview; therefore we put the two together, and now perfectly understand the whole.

With regard to the attack of last year the number of assailants was great, and on examining their deed it became evident that although they entered by stealth, yet when once they had effected an entrance their sole object then was to murder the foreigners, not fearing the encounter with the guards and sacrificing their own lives; but as regards the attack on your residence this year, it was not undertaken by one who was not connected with foreigners, but it was done by one of the retainers of Matsdaira Tamba no Kami, without calling in the aid of any other person, and in the darkness of the night he disguised himself as one of the soldiers on duty of the said Daimio, who go round about the residence for inspection, which caused the other officers on guard to take no notice of him, so that he succeeded in getting into the garden, made a sudden attack, murdered and killed the two said sentries, and suddenly took to flight; so that the other officers there for the protec-

tion unintentionally lost him out of sight. Therefore it cannot be said that they were not faithful. Had they all been participators in the foul deed, how is it the Representative and the other members (of the Legation) escaped the danger?

It is said that the spirit of the guard of this year, as compared with that of the guard of last year, is just the reverse, and that the latter, who were faithful, were removed, and the former, who were faithless, were intentionally chosen. But this is not the case. When our Government imposes a service (duty) on any Daimio, the time is specified (how long it is to last), and when that term has expired he is released, and another (Daimio) is appointed to take his place.

This is an old-established custom; thus, what took place between last year and the present was founded upon this old custom, and there is no reason whatever for supposing that those entrusted with the protection of (subjects belonging to) a nation living in peace and amity with us should have been chosen from persons wanting in fidelity.

But it is not to be wondered at that your Government should have had suspicions on that subject, as it did not exactly know the true state of affairs; but we trust that you have sent home what we communicated to you from time to time respecting the punishment, &c., of the said guards, so that your Government will be better informed now, and that suspicion will no longer exist. It is, however, desirable that you should again explain the whole affair more fully to your Government.

That the Governor for Foreign Affairs called on you the day previous to the said sad occurrence and congratulated you, was merely owing to his recollecting what had taken place the year before, and he trusted all was safe now, as nothing had happened (on the anniversary of the day); but could he then have had the least suspicion of what was going to happen, he would have informed you of it at the time, and he would have given strict orders to the officers placed there for protection to be on the look-out, as it is part of his duty to endeavour to quench such an outbreak. Thus there is no reason to suppose that he kept secret what was going to take place the next day, could he have known it beforehand; and his felicitation was not made in order to put you off your guard, which is quite evident of itself, without our trying to explain it; and besides, if you accepted his felicitations, how could this have made you feel more at your ease? And although you might try to put some one off his guard by a felicitation, yet it would be a means by which you would scarcely deceive a child. Thus, as you saw and heard all the circumstances of the case, it must be quite evident to you there would be no reason to adopt such a plan towards a foreign Representative; but in this instance also the suspicion of your Government may have been raised, owing to its not having understood the matter.

Furthermore, with regard to the use of weapons by the Japanese, the advantage of fire-arms is well known, but it is not so generally acknowledged as that of the sword. As it is only since a few years we have received instruction in European tactics, we have only just begun to make fire-arms and build ships; but the number of those is still great who, preferring Japanese tactics to foreign, have diligently applied themselves to the use of the sword, and have attained the climax of dexterity. This sword is always carried at the side, and adepts in the use of it wound you the moment it is drawn. As the number of wounds the two murdered men received were many, it gave rise to a suspicion that this was not done by one man only; but a single person who in our country has murdered any one with a sword, has always inflicted a number of wounds on his murdered enemy. However, considering the circumstances of the case, on the same night we instituted inquiries to endeavour to find out whether the murderer had any participators, for it was alleged that, seeing the number of wounds (inflicted), the number of murderers must have been many: but we are not of that opinion.

Your suspicion has fallen on Matsdaira Tamba no Kami, who was entrusted with the protection of your residence, because the foul deed was committed by one of his retainers. It is not so unnatural that you should think this, but it is not so: and it is quite evident that the foul deed was the doing of one person only, the undertaking of which was not only not known to Tamba no Kami, but not even to his other retainers, or inferior officers. The reason is, that a person who wishes to commit a crime disguises his iniquity by his words, and does not allow his wickedness to be detected in his outward behaviour. Thus, although he harbours many cruelties in his heart, yet outwardly he appears to be very obedient, and pretends to be of a kindly disposition; therefore it is very difficult to detect such a person. If there were a means of knowing all events beforehand, then from the very beginning no crime could ever have been committed; but as the contrary is the case, and it cannot be known whether a person casts off all sincerity, and is pre-meditating all sorts of cruelties, therefore the guard for protection has been considerably increased since both attacks, and has received strict orders to be watchful. You will have

observed it yourself without our communicating it, that the guard for protection has been increased.

And with regard to the suspicion that our Government expected (knew of) the said two attacks, and is in hopes that (by these means) foreign trade will be stopped by degrees, and the old custom will be restored of no intercourse with foreigners, how could our Government ever expect such a thing, or even wish it, after Treaties of perpetual peace and amity have been ratified by both Empires?

Although it appears to be thought that the punishment of Tamba no Kami, &c., is not sufficient (and you are perfectly right in supposing so from your want of the knowledge of the difference of the law of our land, and thus cannot be acquainted with the severity and leniency of Japanese punishment), yet the arrest ("sasihika-yay") for a Daimio is very pressing as a punishment; for during the arrest he is obliged to keep the gate of his residence closed, and, forbidding any one to enter or to leave, he is obliged to shut himself up in his room and abstain from all business. Moreover, he is not allowed to shave or bathe, or have intercourse with any one, be they his parents, children, or brothers; and all his servants, from the lowest upwards, are not allowed to leave his residence, on account of the arrest of their master.

This punishment is more humbling and more unbearable than for the lower class who are imprisoned for crime; and a burden like this is in itself already a punishment, which is not easily imposed on any one. The other persons have also received an impartial and, perhaps, proper punishment, in accordance with our old-established law; therefore we are of opinion no objection can be made on that score, as it is in accordance with the stipulations of the Treaty.

We have taken into mature consideration the demand made for indemnity for the relations of the two murdered sentries; but we do not understand why 10,000*l.* should be demanded. We are, however, of opinion that the demand and the stipulation that the indemnity should be paid in gold coin, and is to consist of so large a sum, should be in proportion to the high or low position the persons have held, or to the services they have rendered.

In our country there is likewise a law about indemnity, as a punishment for small crime, and other punishments are determined according to the extent of the crime; for instance, one criminal is prohibited residing any more in the province he has been in the habit of living in, and another is banished to a far distant place; and he who murders any one is condemned to death, and no indemnity is demanded from him; but it is considered expedient to give to the relatives of the murdered person something for their maintenance.

It has happened at the opened ports that Japanese have been murdered and wounded by foreigners; but we have never demanded any indemnity for them. In accordance with the law of the land, any one wounding, not only foreigners, but also natives, is condemned to death, if his adversary dies in consequence, as stated above. Matsdaira Tamba no Kami's criminal retainer ought likewise to have been punished according to this law, but he soon after committed suicide; we therefore sent his corpse to your residence to prove that our law could not punish him any more.

Therefore the law of our land does not allow us to grant the indemnity, and we therefore decline (to pay) it; but it is desirable you should understand it. We are, however, ready to pay the silver coin to the relatives of the two murdered sentries for their maintenance, as we communicated to you in writing some time ago.

This is our answer to your communication, and we request you to make known to your Government, not only all we have communicated in answer to your despatches, and what has been discussed at the interviews, but also the whole state of affairs in our Empire.

In regard to the last period of your despatch, "that British subjects must have the rights obtained by Treaty ensured to them," we perfectly agree with you, and our intention is to carry out all the stipulations of the Treaty. We are taking into consideration further measures of protection, and trust they will be effectual.

With respect and consideration.

29th of 10th month of 2nd year of Bung-kew (December 20, 1862).

(Signed)

MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.
OGASAWARA JEWISIO NO KAMI.

Lieutenant-Colonel Neale to Earl Russell.—(Received April 12.)

(Extract.)

Yokohama, January 10, 1863.

IN connection with the subject of the general measures adopted by the Japanese Government to avert the recurrence of outrage to foreigners upon the tokaido or high road in this vicinity, and which I have referred to in my previous correspondence upon that subject, I have now the honour to inclose, for the information of your Lordship, a copy of a despatch I have received from the Japanese Ministers, informing me of their determination to carry into effect the project of opening a new road for Daimios' processions, upon the sole condition that foreigners would abstain from frequenting it, upon special occasions, when warned of the passage of any notables and their retinues.

With the usual scrupulous and laborious attention bestowed by the Japanese authorities upon these matters, they have had a survey made of the two roads, and have sent me copy.

Seeing that we now find it expedient to abstain from frequenting even the present one high road upon the occasions referred to, I have thought it very expedient to accept the proposal of the Japanese Ministers in regard to the new road, which, although within the limits, has never been resorted to by foreign residents, while the prospect now presented of the old road being freed from all danger of collisions,—more especially as no less than twenty-four guard-houses, with five men in each, have been established upon it within the limits during the last two months,—is certainly very satisfactory.

The abandonment of about forty miles in this vicinity of the sole great high road of Japan leading from Yeddo to Nagasaki, and traversed for centuries by the dignitaries of the land, is undoubtedly a strong and gratifying proof of the sincerity of the Government, when they declare their anxious desire to avert the chance of collision with foreigners. I should have added that while the old road is lined on either side with resting-houses for travellers, these will have to be built on the road now proposed to be substituted for Daimios and other native travellers.

Inclosure in No. 10.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

In regard to the opening of a new high road instead of part of the tokaido, as we lately communicated to you in writing, and also through the Governors for Foreign Affairs, persons appointed by us have surveyed the ground (in different directions) and have reported that there is no other road fit for the said high road than the one hitherto called Atsookey Oquan, which, as indicated in the inclosed plan, runs from the west of the River Banyugawa, situated to the west of this road, between the towns of Hilatsooka and Toosisawa, and turning off to the north leads in a direct line to Yeddo. It is at a distance of about five or six ri from Kanagawa.

Although this road is not beyond the limits of the ten ri, as stipulated by Treaty, yet as the present arrangement is effected for the purpose of avoiding any accident, &c., to foreigners, it is desirable your countrymen should not go in that direction whenever the Governor of Kanagawa, from anxiety of Daimios' processions and others travelling on this road, sends a communication to your Consul for this purpose. It is not with an intention to restrict foreigners in the excursions they are in the habit of making, and besides, as this road is at a great distance from the foreign settlement, it will not put them to any inconvenience.

We intend to adopt this road for a permanency, but we first send this plan to you for your consideration.

With respect and esteem.

11th day of 11th month of 2nd year of Bung-kew (December 31, 1862.)

(Signed)

MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.
OGASAWARA JEWSIO NO KAMI.

Lieutenant-Colonel Neale to Earl Russell.—(Received April 12.)

My Lord,

Yokohama, January 15, 1863.

BY my despatch of the 24th ultimo I had the honour to report to your Lordship the result of my communications with the Japanese Ministers respecting the murder of two of the British guard at Her Majesty's Legation on the 26th of June last.

I have since addressed a despatch to the Ministers for Foreign Affairs, urging such arguments as have occurred to me with a view to calling their serious attention to the consequences which may arise from their having declined to comply with the demand I was instructed by your Lordship to make, as pecuniary compensation for the families of the murdered men.

In transmitting to your Lordship, here inclosed, a copy of that despatch, to which I have as yet received no reply (the reason assigned by the Ministers being that it is in course of translation into Japanese), I am at present enabled only to add that I do not anticipate an entire consent on the part of this Government to pay the whole amount demanded.

It is probable they will modify their own offer of compensation, from 3,000 dollars to a larger sum, perhaps extending to double that amount; thus gaining time, and trusting to the course of events for an easier solution of the difficulty.

With reference to that part of your Lordship's instructions in which you have remarked that the compensation demanded should be levied upon the estate of Tamba no Kami, the Daimio charged with the protection of the Legation on the occasion of the attack, I should state that I am informed from reliable sources that he is in very impoverished circumstances, and his estates mortgaged to merchants of Osaka.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 11.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs:

Yokohama, December 27, 1862.

I HAVE received, and carefully perused the despatch which your Excellencies have addressed to me, dated the 20th December, in reply to the communications, written and verbal, which I had the honour to make to you on the 4th of this month, under instructions from my Government, upon the subject of the outrage committed at Her Majesty's Legation on the 26th of June last.

By the mail which left yesterday, I have communicated a translation of your despatch to Her Majesty's Government, and it is my duty to declare to your Excellencies that the decision adopted by the Japanese Government in declining to comply with the specific demand I was directed to make by Her Majesty's Minister for Foreign Affairs, after serious consideration of the circumstances attending the outrage committed, has occasioned in me great anxieties for the consequences which may reasonably be expected to result. It is difficult for me to understand under what regrettable influences the Japanese Government has adopted the serious course of rejecting the only easy solution which could be proposed by the Government of a great and friendly nation, as reparation for an unusual outrage committed in a foreign country within the precincts of its Legation, and at the door of its Representative, resulting in the treacherous murder of two of the guards engaged in its protection. Those guards were exposing their lives, not owing to any unnecessary formality or display, but because of the inability of the Japanese Government, by their own confession on the previous occasion of a similar outrage, to afford any satisfactory guarantee for the safety of the members of Her Majesty's Legation.

Such measures of self-protection are altogether unnecessary in other countries. A constant and unfailing vigilance against midnight attack and murder can alone be satisfactorily ensured as yet in Japan by the personal precautions adopted by foreigners. I am entitled to make this statement, for your Excellencies have never as yet informed me that the measures adopted by the Japanese Government have rendered such attempts as rare and difficult as in other countries. But you have said on the previous occasion that you could not guarantee the non-recurrence of such events, and within the period of the same year it did recur.

Two of the guards thus necessarily employed at the doors of Her Majesty's Legation were murdered; the assassin, a retainer of the Daimio charged with its protection, and coming through the ranks of the Japanese guards.

So flagrant an outrage cannot be viewed by the Japanese Government as an ordinary occurrence for which the ordinary punishments may be applied; a marked and signal reparation must always be accorded under similar circumstances by countries where such flagrant outrages are committed. Individuals may be attacked and murdered in any country, the assassins being instigated by personal objects of gain or revenge; but there are no records of which I am aware of a similar crime to that which has here been committed, nor can it be dealt with in an ordinary manner, for its object was the murder of the members of a Legation residing at the Court of the Tycoon.

In Oriental countries such an attempt is especially regarded as a crime of the highest magnitude.

The Japanese Government may be free from blame respecting the choice of the Daimio and his retainers charged with the protection of the Legation.

The Governor, who observed a culpable mystery and silence respecting the danger which threatened the Legation, whether past or impending, may have acted in accordance with the reserve and want of confidence towards foreigners and towards each other observed by most officials in this country.

The assassin may have been alone, who inflicted barbarously needless wounds after the murder of his victims.

But it is not endeavoured to be explained how he escaped, wounded and disordered from a sanguinary struggle, through the numerous guards that surrounded the scene. It is not explained why no succour whatever was rendered by those numerous guards during the whole time in which the assassin was engaged in slaying two men, accompanied with outcry, pistol-shots, and confusion.

If these are acts which are dealt lightly with by Japanese law, they cannot be so lightly or patiently supported by nations which scrupulously watch over and protect their subjects in whatever spot in the world duty or business may entitle them to live by Treaty rights.

The Japanese Government is bound to appease and atone for acts shocking to foreign nations committed by assassins who had no personal affront to avenge, or no gain to derive by the murder of their innocent victims; the strong probability yet reasonably remaining, despite of all examinations, that the assassin only accomplished in part a more criminal mission assigned to him by others.

If I am not greatly in error, even the laws of Japan award the punishment of death to participators or abettors of murder, when the principal in such murder is lost, escapes, or disappears. The murderer in this case was lost to justice by suicide, no proof is given that he had no participators or abettors beyond the denial of his companions and friends.

Signal examples are resorted to by all nations, and doubtless by Japan, to deter others from the deliberate plotting and committal of foul deeds, notwithstanding the death of the individual chosen to perpetrate the act.

A money indemnity to the families of the murdered subjects of a great nation, under such circumstances, the Japanese Government must be well aware is the mildest reparation by which peace can be preserved, while atonement is made and an example afforded.

There is no graduated scale or tariff of the amount which the British Minister will affix upon each occasion of the murder of a British subject, according to his station and rank, as imagined by the Japanese Ministers. But the repetition, as in this case, of great outrages necessarily influences the extent of the example required, and the amount demanded for the victims or their families.

This mode of appeasing a great scandal and offence twice repeated in one year at the very doors of the Representative of Great Britain, has been decided upon after mature consideration of the principal facts by the British Minister for Foreign Affairs, anxious and desirous of preserving peace and amity between Great Britain and Japan. Such demands the Japanese Government must be well aware are not lightly made by a British Minister, nor can they be set aside by arguments as to the incorrectness of inferences deduced from details and isolated facts.

Two British guards on duty at the British Legation, and placed there solely owing to a previous murderous attack, have been assassinated by the retainers of a Daimio of Japan appointed for its protection. This is a fact standing by itself, and for which a signal example alone can atone.

The Japanese Ministers have deliberately declined to accede to the reparation which has deliberately been demanded.

This decision of the Tycoon's Government is now on its way to England with a full

and literal translation of the despatch, in which your Excellencies conveyed to me that decision. It will reach the hands of the British Minister at a moment when the circumstances attending a fresh barbarous outrage upon unarmed and unoffending British subjects, committed by the adherents of another Daimio, on the 14th of September, will be before him, still unpunished by the Japanese Government, and no reparation suggested for the sufferers.

The rejection by the Japanese Government of the solution proposed for the outrage of the 26th June, carries with it manifestly in its first consequences the result that the two unrequited outrages will become combined, and form together a most serious subject for the consideration of the British Government.

The distance is great, and communications and replies occupy many months, and cannot, therefore, be resorted to as in other countries during the settlement of serious difficulties; decisions under such circumstances necessarily take the place of statements, counter-statements, and arguments respecting less important details; the main facts must be dealt with without inordinate delay.

Under all these considerations it now devolves upon me, as a serious duty and as a sincere friend to Japan, of which I am willing to hope your Excellencies have had reason to be convinced, earnestly to call upon and solicit your Excellencies to reconsider the decision which you have communicated to me in reply to the demand I was instructed to convey to you.

During the period of a month from this date my further reports upon the subject to Her Majesty's Government, if they are of a satisfactory nature, may influence final and ulterior determinations, which the receipt of your present resolutions must necessarily produce, when joined to the facts attending the more recent outrage. Whatever you may determine at a later period can only cross on its passage the instructions I shall receive, or which will be conveyed by Her Britannic Majesty's Minister in Japan, expected to return to Yeddo in the spring of the new year now at hand.

A serious and urgent communication made in the most friendly spirit.

(Signed) EDWD. ST. JOHN NEALE.

No. 12.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 27.)

(Extract.)

Yokohama, January 26, 1863.

MR. PRUYN, the Resident Minister of the United States, was so obliging as to address a circular despatch to M. de Bellecourt, my French colleague, and to myself, informing us of the murder of a Japanese guard at the door of the grounds called Goteng-yama, upon which the new British Legation at Yeddo is erected, and upon which also the Legation-buildings of the other Treaty Powers will be situated.

The Governor of this district, on the same date of Mr. Pruyn's letter, also officially announced to me this incident, and referred to more than one of the guards as having been killed. My own information in the meanwhile was more detailed as to the causes of this attack and murder, and represented the deed as having been connected with my supposed residence at the new Legation with the other members of Her Majesty's Mission.

Under these circumstances, I deemed it most desirable to address the Japanese Ministers at once, and directly ask them what were the real facts connected with this event; and I have the the honour to inclose a copy of my despatch upon that subject.

The Japanese Ministers, in reply, deputed a Governor for Foreign Affairs to call upon me yesterday, charged, on their part, verbally to reply to my inquiries.

The Governor, after causing all his attendants to retire, said that the Gorogio had directed him to inform me that on the morning of the 16th instant, at 10 o'clock A.M., ten armed persons, who are as yet unknown, presented themselves at the door of the Legation building, [entrance into] which, as they were strangers, was refused by the yaonin on guard, his companion being absent. That they then went away to a tea-house close at hand, and asked the owner whether the Legation was inhabited; and being answered that it was not, one of them drew his sword partly out and threatened the tea-house keeper, telling him that what he saw (the sword) awaited him for deceiving them, and for stating what was not true. Four of their number then left, returned to the door of the Legation-ground and again demanded admittance; and upon refusal, as before, attacked and cut to pieces the yaonin. They then escaped, and, as the Governor informed me, had not yet been traced.

Thus, in the circumstances attending the murder of one of their own countrymen, happening to be the guard of the future, but yet unoccupied, British Legation, we have a premonitory warning of the incidents which may reasonably be expected to occur sooner or later after Her Majesty's Legation is established within its walls.

Inclosure in No. 12.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, January 19, 1863.

INFORMATION has been received here, and since communicated to the several Legations, of the murder of one or more of the Japanese guard stationed at the gate of Gotenyama.

Although the British Legation residence at Yeddo is not yet completed or occupied, the circumstance of the murder having taken place within its gates renders it a matter of natural interest that I should wish to be informed of some of the particulars, the Governor having furnished none.

I have, therefore, to request your Excellencies to acquaint me of the number of persons killed, the number and character of the persons who attacked them, and the supposed reason for the act,—whether owing to personal quarrel, or whether it is connected with any subject of interest to the Representatives of foreign States.

(Signed) EDWD. ST. JOHN NEALE.

No. 13.

Lieutenant-Colonel Neale to Earl Russell.—(Received April 12.)

(Extract.)

Yokohama, February 3, 1863.

IT devolves upon me to inform, with great regret, your Lordship that the Legation residence no longer exists, having been burnt to the ground by political incendiaries on the night of the 1st instant.

The Japanese Ministers restrict themselves to communicating to me the bare fact of this event, coupled only with the statement that the fire was not accidental, but the act of incendiaries.

That a building erected at the expense of the Japanese Government, of the best materials which the country can produce, constructed with infinite care and painful attention to details, and costing according to the estimates 8,000*l.*, should be destroyed by order and connivance of that same Government is difficult to be surmised. Yet your Lordship will not fail to notice the facts that on the 28th ultimo the Japanese Ministers appealed to me to abandon the intention of inhabiting the residence at Goteng-yama, and solicited me to select another site for the reasons urged by them. That they begged me to furnish them with a definite answer before the 15th of their month (2nd instant), as a very high functionary, the Tycoon's Guardian and Envoy, would on that date proceed to hold an interview with the Mikado. That I declared to them my answer at once, which consisted in my inability to entertain any question of the abandonment of the Legation residence already erected. And that as a sequel to these preceding incidents, on the 1st instant the building was destroyed by fire.

The inference would seem to be that the Japanese Government has connived at the accomplishment of this act as the only effectual solution of the pressure brought to bear by the Mikado and his party upon the Tycoon. It is equally possible that the retainers and partizans of the hostile Daimios, intent on carrying out the desires of their Chiefs, may have accomplished a portion of the work allotted to them by the destruction of the residence at Goteng-yama, despite all the efforts of the Government to restrain them.

In either case, the threatening incidents which have of late so rapidly succeeded each other, and the general aspect of affairs at Yeddo, accompanied by the continued exodus of Daimios from the Tycoon's to the Mikado's Court, the degradation and confiscation of the property of so many others denounced by the Mikado's Envoy as friendly to foreigners; and, finally, the serious incident of the deliberate destruction of the Legation residence;—all these combined events, prognosticating the advent of a serious crisis, have pressed upon me the necessity of addressing a despatch, a copy of which I have the honour to inclose,

to Admiral Kuper, representing the urgent expediency for the appearance of a strong naval force in these waters, and to which I have every reason to believe the Admiral will respond by arriving here towards the close of this month.

I shall, of course, continue to proceed to Yeddo whenever passing events may require my presence there, and on such occasions I should occupy the temple hitherto the residence of the Legation.

Inclosure in No. 13.

Lieutenant-Colonel Neale to Rear-Admiral Kuper.

(Extract.)

Yokohama, February 2, 1863.

EVERY act of the Government betrays an anxious dread that their political enemies, whose movements of late have been most active and suspicious, should break out suddenly into open violence, notwithstanding all the efforts of the Tycoon's authorities to restrain them.

Last week a band of ten armed men presented themselves at the gates of the new British Legation at Yeddo, which, though as yet unoccupied, was all but completed, and demanded admittance to inspect the building, which having been refused by the Japanese guard, one of them was cut to pieces on the spot, his assailants escaping; and last night I was waited upon by a Governor of Foreign Affairs from Yeddo, who brought me the serious intelligence, forming a sequel to the foregoing event, that the British Legation residence no longer existed, having been burned to the ground by armed incendiaries, who employed trains of powder and other combustibles, which exploded simultaneously in all directions.

Irrespective of these unmistakeable indications of an impending crisis in our relations with Japan, and of serious efforts to displace and interrupt our peaceful intercourse with this country, the whole empire is passing through the ordeal of internal political convulsion, importing civil strife and disorder, a catastrophe as yet evidently averted and arrested through the unceasing efforts of the Tycoon and his Government to conciliate the Mikado by promises to accomplish by degrees his impracticable desires, especially in respect to foreigners.

One of the reproaches cast upon the Tycoon by the Mikado was that he had granted the commanding site of Goten-yama at Yeddo, where a sacred temple had for ages stood, frequented by his ancestors, and consecrated as the place of festivals for the people, to be the future place of residence for foreign Ministers. The Tycoon, it is now said by the present Government, was uninformed by his Ministers of the Mikado's displeasure in connection with this subject. He has now been made aware of it in personal interviews with the Mikado's envoys. A high functionary is despatched to the Mikado to offer conciliatory explanations upon this and other matters, and twenty-four hours before his departure, by a striking coincidence, the future British Legation residence, built with infinite care and at great cost, is burnt to the ground, thus affording to the Mikado the most effectual atonement.

The mandate next on the list, addressed to the Tycoon by the Mikado, is that he should expel foreigners from Kanagawa and Yokohama. This is an undertaking doubtless presenting great and insuperable difficulties to the Tycoon's Government, by this time well aware of the power and determination of Western States to maintain the rights conceded to them by Treaties; but judging from the course of events, no satisfactory assurance is afforded but that the Tycoon and his Government may be suddenly overcome and displaced, and a desperate effort made by their less well-informed or reckless successors to accomplish the Mikado's imputed desire to expel or extirpate foreigners, especially from this settlement, so unpalatably contiguous to the capital.

Under all the circumstances attending this condition of affairs, whether viewed in the light of the troubles and embarrassments besetting the Tycoon's Government, which it is our interest should be supported if found to be sincere in its friendly professions, or whether regarded only in respect to the actual risk and danger to which the lives and property of British subjects are exposed, in either case it appears to me that a considerable demonstration in this quarter of our naval forces would at this moment be most opportune, and conduce to results highly advantageous to our interests. The presence of such a force, whose mission would be to insure the maintenance of Treaty rights, and enable British subjects engaged in a prosperous and increasing trade to remain undisturbed, at least within their settlements, I have every reason to believe would at the same time afford a

powerful moral support to the Tycoon's Government in its well-disposed but wavering and timid policy in regard to foreign intercourse.

From these considerations I am induced to trust that you may be enabled and deem it expedient to afford me the early support of your own presence at Yokohama and Yeddo with such a force as would constitute an unmistakeable demonstration, and calculated to realize the results I confidently anticipate. I need hardly add that I look forward with great satisfaction to the opportunity which will thus be afforded to me of conferring and advising with you personally as to the course of action which accumulating events in this country may necessitate.

No. 14.

Lieutenant-Colonel Neale to Earl Russell.—(Received April 12.)

My Lord,

Yokohama, February 4, 1863.

WITH reference to my despatch of the 15th ultimo, in which I had the honour to transmit to your Lordship a copy of a letter I had addressed to the Japanese Ministers, consequent upon their declining to accede to the payment of the compensation I had been instructed to demand for the families of the two British guards murdered at the Legation at Yeddo, I have now the honour to lay before your Lordship a copy of the reply which I have received to the strong remonstrances I had urged upon them.

Your Lordship will observe that the Ministers conclude with proposals to diminish the amount demanded, and appear inclined to negotiate respecting the sum which would be accepted in compensation. I shall again address the Ministers, pointing out to them explicitly that I am not authorized to negotiate with them respecting the amount which your Lordship has directed me to demand; and I am not without hopes that, influenced by passing events, the Japanese Government will feel it expedient, after some further correspondence, obstructions, and delays, to accede to the payment of the compensation required of it.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 14.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have received your despatch dated December 27.

As we mentioned to you in our answer to your despatch relative to the indemnity for the murder of the two British sentries at Tozengee, it is an irrevocable law in our country that any one killing another shall be punished with pain of death, and not by paying an indemnity. And although it may be thought that a law relative to indemnity exists in our country, yet the sum you demand is so uncommonly large that Tamba no Kami is unable to pay it. Moreover, it is impossible to subject him to this new punishment after he has been properly punished. But if you do not think what our Government has proposed to give for the maintenance of the relatives of the said two sentries is sufficient, we request you to let us know what you consider would do, after you have taken our present communication into mature consideration.

With respect and esteem.

9th of 12th month of 2nd year of Bung-kew (January 28th, 1863).

(Signed)

MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.
OGASAWARA JEWSIO NO KAMI.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, April 17, 1863.

HER Majesty's Government approve the despatch of which a copy is inclosed in your despatch of the 3rd of February, and which you addressed to Admiral Kuper, representing to him the importance of his proceeding with an imposing force to Japanese waters.

I am, &c.
(Signed) RUSSELL.

Lieutenant-Colonel Neale to Earl Russell.—(Received May 16.)

(Extract.)

Yokohama, February 10, 1863.

THE incidents which have of late succeeded each other, and of which I have had the honour to inform your Lordship, are of a nature to convey the impression that serious designs are entertained by the Tycoon's Government to bring about a rupture in their relations with the Treaty Powers.

This is not so. The political situation of affairs is nevertheless sufficiently critical.

The collisions and obstructions with which we have had to contend originate from inevitable causes.

It is difficult, indeed, to comprehend how surprise can be entertained at their occurrence. It does not thence follow that they should be unobserved or unrequited. A show of material force, coupled with conciliatory action on our part, would seem however, as a general rule, the best calculated to consolidate our footing in this country.

There is no reason why our relations with Japan, accompanied by all its regrettable episodes, should not be viewed by the same light as our early intercourse with other Asiatic States. That the outrages to which foreigners have been subjected at intervals in this country should have been attended with bloodshed and murder may unquestionably be traced to an exceptional fact, viz., that a large proportion of the population of this country is an armed population; keen-edged weapons form a portion of their attire. In Europe a stone would be thrown where here a sword is drawn. There is no Asiatic country with which we are in relation where the inhabitants of the dominant class are so armed, in which sanguinary scenes do not at intervals prevail. The Turk, the Albanian, and the Arab will draw his pistol or his yataghan on the first defenceless person by whom he conceives himself aggrieved. Equally with the Japanese, the incentive is derived from the same ignoble source, viz., the consciousness that his victim is unarmed. In Turkey a heavy blow was struck at the very root of such a condition of society by the destruction of the janissaries; in Japan the two-sworded adherents of Daimios have as yet met with no check; they walk abroad with these insignia of destruction, in mock heroic defiance of all whom they meet; and should their arms have been newly acquired these men have been known to try their edge upon the bodies of strolling beggars in the streets at night. During the long and dark seclusion of Japan the tyranny of the strong has been suffered to prevail, but the history of other Eastern people assures us that with the light admitted by intercourse with civilized nations it cannot endure.

Viewed as a whole, our relations with this country present no serious cause for discouragement. Little more than ten years ago the ruling impression of Western nations respecting relations with Japan was, that the crew of a foreign vessel wrecked upon these coasts was doomed to immediate destruction. In point of fact, however, it has resulted, that at the close of three years of intercourse our trade has increased threefold, and our exports from this country exceed during the past year 1,000,000*l.* sterling.

Indifference to the cold reserve and obstructive acts of the authorities in this country would meanwhile doubtless encourage their continuance, but it is impossible by arguments or reasoning alone to influence the councils of this Government. The great difficulty with which our diplomatic agency has had to contend has been the lack of means to induce moral pressure; no lever has presented itself whereby to arouse conviction of a reciprocity of interests tending to render our goodwill and amity a political necessity to the Tycoon's Government, or to induce on their part even a conciliatory policy. In a word, it has not hitherto been apparent to the ruling powers in this country what they had to gain by their relations with foreigners; while, on the contrary, the jealousy of powerful feudal Chiefs, the

chances of civil commotion (the elements of which already existed), are alarmingly increased by our presence and by our requirements.

The Tycoon and his Government, as an undeniable fact, have fallen into national discredit by assenting to the much-dreaded renewal of intercourse with Western people, though indeed this assent was obtained under irresistible pressure; but they have conjured as yet the explosion of displeasure on the part of the reactionary Daimios by half simulated repugnance to the foreigners, whom they had (according to their belief) in an evil hour admitted.

Hence, while they deplored the embarrassing perpetration of outrages upon foreigners, each renewed occurrence of which brought matters to a crisis injurious to their own stability, on the other hand their presumed national sympathies could not consistently admit of the display of any energetic zeal in the arrest and punishment of the offenders.

By this temporizing policy the Government of the Tycoon, with ever-recurring dismissals and appointments of the members which compose it, has maintained itself; while our own diplomatic and commercial relations have been conducted amidst the divided fears of this Government, between the contingency of the overthrow of the Tycoon's dynasty, and the consequent downfall of its supporters on the one hand, should favour or encouragement be extended to foreigners, and the equally formidable risk and danger to be encountered by an undisguised course of hostile policy in their relations with the more powerful Western States.

But a crisis has now been reached in this condition of affairs. The dynastic rule of the reigning Tycoon, or temporal Sovereign, is threatened by the attitude assumed by the Mikado, or spiritual Emperor, supported by some of the most powerful and wealthy Daimios of the Empire. The Tycoon and his Government have of late shown unmistakable signs of yielding to this pressure by carrying into effect the stringent measures of confiscations, arrests, and degradations enjoined by the Mikado, and directed against a long list of Daimios and high functionaries known to be partizans of the Tycoon's Government, and more or less favourably disposed to abide by the obligations imposed by Treaties with foreign States, and one of the last acts of this enforced policy may be said to be sequelized in the destruction of the British Legation-residence at Yeddo.

Here, then, has arisen a new phase in our political situation in this country, but here also is presented a lever for our political action which no other condition of affairs could have afforded, and the absence of which, as I have ventured to express the belief in the early part of this despatch, obstructed the acquirement of any diplomatic influence.

I have ventured to submit these remarks for your Lordship's consideration; but as in the meanwhile the imputed hostile designs of the Mikado's party, and its pressure on the Tycoon's Government, may be further progressed towards serious action than I am tempted to hope, I have deemed it no longer prudent to abstain from requesting Admiral Kuper to afford me the support of his presence in the event of any sudden emergency, as I had the honour to report to your Lordship by the last mail.

I cannot, however, but entertain strong hopes and expectations that this country will pass unharmed through its present ordeal of political effervescence, for the Japanese are a shrewd and intelligent people, not subject to persevere in projects of impossible attainment. On our part it is as difficult as it would be wrong to lose sight of the main and sole object of our establishment in Japan, viz., the fresh field it has afforded for a prosperous trade, best secured to us by patience and forbearance.

The surplus imports from Great Britain to China find here an outlet, and the resources of this country in silk and tea promise to supply to all Europe and America those necessities when the worn-out Empire of China ceases to yield them.

Our future satisfactory commercial relations with Japan are doubtless inevitably assured to us. In the meanwhile Her Majesty's diplomatic servants have been, and may have the honour to be, still for some time in the position of pioneers and martyrs to the attainment of peaceful and settled relations with this country in commerce and in diplomacy, not unlike the early fathers in their special calling.

No. 17.

Lieutenant-Colonel Neale to Earl Russell.—(Received May 16.)

My Lord,

Yokohama, February 16, 1863.

BY my despatch of the 4th instant I had the honour to inclose a copy of a letter I had received from the Japanese Ministers in answer to my second application demanding, under instructions from your Lordship, the specified pecuniary compensation for the

families of the two men, of Her Majesty's ship "Renard," murdered during the attack on the Legation on the 26th of June last. I have now the honour to transmit to your Lordship a copy of the further note I have addressed to the Ministers in reply to their last communication.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE

Inclosure in No. 17.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, February 7, 1863.

I HAVE received your Excellencies' despatch in reply to that which I addressed to you on the 27th December, 1862, entering into explanatory details and reasons conveyed in the most friendly spirit, and urging upon the Japanese Government the great expediency of acceding to the demand I was instructed to make as compensation for the murder of two British subjects on duty as guards at the door of Her Majesty's Legation at Yeddo on the night of the 26th of June last.

Your Excellencies in your reply appear to be under the impression that I am empowered to negotiate, modify, arrange, and settle with the Japanese Government the sum which shall finally be awarded in settlement of such compensation. And with this view your Excellencies ask me what sum I conceive will be sufficient, notwithstanding my assurances that I am not authorized to consent to the payment of one cobang less than the sum of 10,000*l.*, or as near as need be at present 10,000 old cobangs of Japan.

It is true that each fresh proposal at present made to me by your Excellencies, in behalf of the Japanese Government, may result in delay in the settlement of this matter; but it is my duty, and consistent with the desire entertained by the British Government, to preserve, if possible, amicable relations with Japan, that I should earnestly warn the Government of His Majesty the Tycoon that no good results can be expected from the delay thus occasioned.

The Japanese Government having decided upon declining to pay the amount demanded, that decision is by this date nearly arrived in England.

By successive mails I have been obliged to inform Her Majesty's Government that I have received no further communication from your Excellencies, and I shall now have to report that your Excellencies propose to enter into correspondence and arrangements with me as to the sum which would be accepted in compensation.

The proposed solution of this difficulty has been rejected, and such rejection will be under consideration of Her Majesty's Secretary of State at a very critical period in the situation of this country and its relations with foreign States; and I sincerely deplore that in the present state of affairs, when the best accord is desirable in the interests of the maintenance of good will and amity towards Japan on the part of the British Government, a great grievance and scandal, to which the Legation of Her Britannic Majesty was exposed by the murder of two of its guards, should remain unadjusted, because the Japanese Government are at variance as to the amount which should be paid to the families of the victims.

There is no measure by which outrages can be classed and estimated; the same outrage again repeated may result in open hostilities, or serious indemnities which cannot be weighed in the scale with the money compensation now demanded, and unwisely refused by the Japanese Government.

The Daimio Tamba no Kami, had he been as rich as many of the Daimios of this Empire, would undoubtedly have been the right person to have borne the burden of the penalty required.

This has been pointed out by the British Minister for Foreign Affairs, but it rests with the Japanese Government to decide from what source the amount shall be levied, if that Daimio, as stated, is unable to defray it.

Confiscations, fines, and penalties are not new in the institutions of this country.

Political exigencies have of late struck with tenfold pressure many notable Daimios and other high officials of this Empire, some of whom have been accused of mismanaging the affairs of foreigners. The revenues of which they have been deprived would, with hardly perceptible diminution to the Imperial Treasury, supply the means of atoning for a great outrage.

In conclusion, I have earnestly to request that your Excellencies will bring the whole circumstances and correspondence connected with the subject to which this

despatch relates, to the knowledge of His Majesty the Tycoon, to whose Imperial consideration it must eventually be submitted, if unadjusted by the wisdom of His Majesty's Minister.

(Signed) EDWD. ST. JOHN NEALE.

No. 18.

Lieutenant-Colonel Neale to Earl Russell.—(Received May 16.)

My Lord,

Yokohama, February 23, 1863.

IN connection with the opinions and statements which prevail amongst rival parties in this country bearing upon the subject of intercourse with foreigners, I have the honour to transmit a translation of a very remarkable letter addressed by one of the most influential Daimios of the Mikado's party to the Tycoon's Government.

This document was obtained by me some time ago in Japanese manuscript, but laid aside with others which reach me from time to time, as no proof existed of their authenticity. Passing events, however, as they succeed each other, stamp the inclosed paper with truth as to its imputed authorship, and render it an index to the opinions which prevail among the disaffected Daimios.

It is worthy of note that the letter is dated in May of last year; in June a circular was addressed to the police-agents at Yeddo, a copy having recently fallen into my hands, and a translation of which I have the honour to annex. It is there stated that some adherents of the same Prince Matsudaira Daizen no Daiboo had entered Yeddo, and that suspicion was attached to their movements. On the 26th of the same month the Legation was attacked. The inference would seem to be that that Daimio was implicated in the outrage; proof of which, however, will probably never be elicited.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 18.

Letter written by Matsudaira Daizen no Daiboo, Prince of Soowo and Nagato, to the Gorogio, or Great Council of State.

(Translation.)

May 1862.

ALLOW me, notwithstanding your urgent political discussions (with the Mikado's Envoys) to give you my opinion respecting the troubles which foreigners have given us of late years, in asking all kinds of concessions, in addition to the unexpected troubles which exist in our own country. This combination of difficulties within and without, occurring at the same time, and bringing us to a point when our prosperity or misfortune is to be decided, keeps my heart day and night in anxiety, and induces me to give you, in confidence, my own feelings upon these subjects.

I have long thought that union and concord between the Sjogoon (Tycoon) and Mikado, and obedience to the Mikado's orders, are highly necessary in keeping up our intercourse with foreign nations, as I have already said very often.

But every one knows that since the Council of Officers which took place in the 7th Ansei, the Sjogoon (Tycoon) and Mikado are disunited, which has occasioned a conflict of parties and brought with it discord and troubles.

I think the reason of this is that although the signing of the Treaties was forced upon us by urgent circumstances and pressing events, there are some who maintain that the reopening of relations with foreigners has occasioned a degradation of the people who were so brave and constant ten years ago, to the state of quiescence and cowardice to which they are now reduced by their fear of war and of the foreign Powers. These persons who are of this opinion are, therefore, in opposition to the acts of the Sjogoon (Tycoon), and say that they will themselves undertake to set aside the Treaties and prepare the country for war; declaring that the Mikado still maintains the old laws of our country, which directs the expulsion of foreigners.

Other persons accept, on the contrary, the re-opening of the country and praise the foreigners, and thus destroy all confidence in ourselves. They say that the foreigners have large forces, and that they have great knowledge of arts and sciences.

These conflicting opinions trouble the minds of the people. Unity is force and strength, and discord is weakness; therefore it would be imprudent to go to war against powerful and brave enemies with discord in our minds.

The closing or re-opening of Japan is a matter of the greatest moment, but this is only a branch and not the main stem of our policy, and I think there will be no difficulty about this branch, as the strategical law says,—“He who can well defend himself can well attack; and he who well attacks can well defend himself:” therefore I think that this law is applicable here. That which cannot be shut again should not have been opened, and that which cannot be opened should not have been shut.

The closing of Japan will never be a real closing, and the opening will never be a real opening, as long as our country is not restored to its independence, and as long as it is menaced and despised by foreign countries. Therefore the opening or closing of Japan is dependent upon the restoration of our own powers; if that is effected, then war or peace can be declared.

The condition upon which this power can be restored to us is the enlightening of the people and their union.

I think the only way to bring about national union is by the solid union between the Sjogoon (Tycoon) and Mikado acting together as in one body; should there be war it can be brought to an end very easily.

A time is now come very different from barbarous ages, and arising out of the long peace which has prevailed. Every little child knows the respect it owes to its parents and masters.

It will therefore rejoice everybody in this advanced age to see the Tycoon hold the Mikado in great respect, and the whole nation would honour the Tycoon, and all troubles would cease, and then only we can be restored to our independence and power.

After our independence has been restored it is urgent and pressing that we reform our military institutions, the naval sciences, as well as all branches of industry; we should find out the great advancements and developments of arts and sciences in other countries. The whole nation must devote life and soul to the benefit of our State, and we must learn and study the interior arrangements of foreign lands, in order that the commerce of our country may flourish in this important age. I think all this ought to have been done long since, but nothing, however, of the kind is to be found in the edicts which have appeared so often during the last seven years.

Inventions and improvements press on with rapidity, and the time is now come to make all these changes and improvements; but if our attachment to old customs causes us to postpone these measures of such great importance, if these changes are later suddenly forced by circumstances upon the inhabitants, a very bad impression will be produced creating disorder and confusion. These are the reasons why they should be effected now, calmly and gradually. I think that the Mikado will not be disinclined to this, and therefore I wish that the Sjogoon (Tycoon) should act under the orders of the Mikado, and not conclude matters by his own authority. He ought to let these designs be known to all the Daimios in the name of the Mikado; then there will be a general quiet restored, then the dormant soul of the whole nation will awake, and will be united in power and in independence, and finally then it will display our force and strength to the other five portions of the universe, without anxiety and fear for our own country.

I do not write these my sentiments to aid you in your negotiations, as they may be of little or no use to you, and like a drop of water falling in the ocean, but to show my gratitude for the favours of the Sjogoon (Tycoon) which my ancestors have enjoyed during centuries.

Inclosure 2 in No. 18.

Notice addressed to the Agents of the Police by the Head Spy of the North-Western District of Yeddo, dated 18th of the 5th month (June 15, 1862).

(Translation.)

THE news has reached me that the officers of Matzdaira Daizen no Daibu of Nagato and Suwo,* numbering thirty-six during the day, and twenty during the night, have come overland from Sounpoo† (in Suruga) to Yeddo on the 11th of the 5th month (8th June), wearing riding trousers and coats of tight foreign fashion, and that they had taken post horses without previous notice and with violence; others of the same Daimio dressed in common travellers' clothes came by sea from Shimidsu.

We have received especial orders to guard against disturbances the approaches to Yeddo, the streets, and the temples in which the foreigners reside, and the neighbouring coasts.

* Two Provinces at the entrance of the Inland Sea.

† Near the mountain Fusi-yama.

We beg you, therefore, to come directly and give notice to the police-stations at the houses of Kato Tazaemon and Ohojagi Silosabro, in case there be any deviation from the habitual state of things at Yeddo.

No. 19.

Lieutenant-Colonel Neale to Earl Russell.—(Received May 16.)

My Lord,

Yokohama, February 24, 1863.

AS bearing upon the subject of my recent reports to your Lordship on the situation of political affairs in this country, I have the honour to transmit a communication addressed to me by my colleague of the United States.

I have for some time been in possession of a translation of the letter from the Mikado to the Tycoon of which Mr. Pruyn obligingly sends me a copy, but its authenticity has hitherto remained uncertain. Its acceptance by the Japanese Government under slight reserve as a document actually addressed by the Mikado to the Tycoon impresses it with importance, and throws a light on passing events.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 19.

Mr. Pruyn to Lieutenant-Colonel Neale.

Sir,

Yeddo, February 10, 1863.

I HAVE the honour to inclose to you a copy of the translation of an important letter of the Mikado to the Tycoon. The Japanese copy was sent by me to the Gorogio through one of the Governors, with a message requesting to know whether it was a genuine document. It was returned through another Governor, with an answer that it was substantially correct.

I have, &c.

(Signed) ROBT. PRUYN.

Inclosure 2 in No. 19.

Letter addressed by the Mikado to the Tycoon.

(Translation.)

WHAT ought to be done to sweep away the foreign barbarians?

From ancient times till now, the heart of the Mikado has not at all changed. The "Willow Palace" (*i. e.*, Tycoon) has also respected the Imperial will in changing and improving its ways, and executing new methods of government. Hence the Mikado's feelings have not been painfully disturbed.

But at the present time there is no unanimous decision respecting the banishment of foreign barbarians, and therefore the minds of the people cannot be united.

This afflicts the heart of the Mikado (Sublime Porte), and he commands the Willow Palace (Tycoon) persistently to determine that the foreign barbarians shall be swept out of the country. He must, without delay, notify all the Daimios, and it is his duty to devise the best stratagem, and speedily, as Commander-in-chief, to carry out the deliberations of the whole, and execute their just and patriotic decision.

Let him fix upon a period for cutting off the ugly barbarians (from this country). The Emperor commands that a report (of results) be made to His Imperial Majesty.

(No date.)

Lieutenant-Colonel Neale to Earl Russell.—(Received May 16.)

My Lord,

Yokohama, February 28, 1863.

THE accompanying list of the principal Daimios of this Empire, with the class and families to which they belong, and the revenues they possess, has appeared in a local paper. As I have every reason to believe it to be correct, and as no such complete list has, to my knowledge, hitherto ever been written or published, I have the honour to transmit some copies for the purposes of reference in your Lordship's Department.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 20.

LIST of the Principal Daimios of Japan (extracted from the "Japan Herald").

Family Name.	Daimio's Name.	Province.	City.	Class of Daimio.	Revenue in Kokus.
Gosankay or Sankay (properly called), 1st Owarri, 2nd Kii, 3rd Mito	OWARRI .. Owarri Chiunangoong ..	Owarri ..	Nangoya ..	Gosankay or Sankay ..	610,500
	Cadet of Owarri .. Matz दौरा Setsu no Kami ..	Mino ..	Takass ..	Kammong ..	30,000
	KII . . . Kii-jiu-san-mi no Chiunangoong	Kii ..	Wakayama ..	Gosankay or Sankay ..	555,000
	Cadet of Kii .. Matz दौरा Sa Kioh no Daiboo.	Iyo ..	Seijo ..	Kammong ..	30,000
	Ditto .. Matz दौरा Sa-hioh-yay no Kami	Kowotsuki ..	Yada ..	do. ..	10,000
	MITO .. Mito-jiu-san-mi no Chiunangoong	Fitatsi ..	Mito ..	Gosankay or Sankay ..	350,000
	Cadet of Mito .. Matz दौरा Sanuki no Kami ..	Sanuki ..	Takamatz ..	Kammong ..	120,000
	Ditto .. Matz दौरा Dai Kaku no Kami	Mootz ..	Moriyama ..	do. ..	20,000
	Ditto .. Matz दौरा Harima no Kami ..	Fitatsi ..	Footchoo ..	do. ..	20,000
	Ditto .. Matz दौरा Oee no Kami	do. ..	Sisido ..	do. ..	10,000
<i>The above are of the Sankay or Cadets of the three Families.</i>					
Etsiken Kay (family of Etsizen)	Matz दौरा Mikawa no Kami ..	Mimmasaka .	Tsuyama ..	do. ..	100,000
Ditto ..	Matz दौरा Etsizen no Kami ..	Etsizen ..	Fookooee ..	do. ..	320,000
Ditto ..	Matz दौरा Jitsu no Skay ..	Etsingo ..	Itoengawaa ..	do. ..	10,000
Ditto ..	Matz दौरा Dewa no Kami ..	Idsumo ..	Matsuyay ..	do. ..	186,000
Ditto ..	Matz दौरा Sado no Kami ..	do. ..	Hirossay ..	do. ..	30,000
Ditto ..	Matz दौरा Setsu no Sing ..	do. ..	Mori ..	do. ..	10,000
Ditto ..	Matz दौरा Yamato no Kami ..	Musasi ..	Kawagoe ..	do. ..	170,000
Ditto ..	Matz दौरा Hio-boo no Tayu ..	Harima ..	Akashi ..	do. ..	100,000
	Matz दौरा Higo no Kami, Jiu-si no Chioojo	Mootz ..	Ardzoo ..	do. ..	230,000
	Hoshima Danjo no Chioo Jiu-goe	Kadsusa ..	Ceno ..	do. ..	20,000
Mayedda Kay	Kanga Jiu-san-mi Chiunangoong	Kanga ..	Kanasawa ..	Kokoshioo ..	1,027,700
Cadet of Mayedda	Matz दौरा Chomat ..	Etsjiu ..	Toyama ..	Tozamma ..	100,000
Ditto ..	Matz दौरा Hida no Kami Jiusi	Kanga ..	Daishojee ..	do. ..	100,000
Ditto ..	Mayedda Tango no Kami Jiu-goe	Kowotsuki ..	Nanukaitech .	do. ..	10,000
Shimadzoo Kay	Matz दौरा Shuri no Daiboo, Jiusi no Shosho	Satsuma, Osumi, Fiuga, and Loochoo	Kagosima ..	Kokoshioo ..	710,000
Cadet of Shimadzoo	Shimadzoo Awadsí no Kami ..	Fiuga ..	Sadowarra ..	Tozamma ..	27,070
Datté Kay ..	Matz दौरा Mootz no Kami "Sendai" Josi Chioojo	Mootz ..	Sendai ..	Kokoshioo ..	325,600
Cadet of Datté ..	Tamura Eewajito ..	do. ..	Itchinoseki ..	Tozamma ..	30,000
Ditto ..	Datté Towotomi no Kami Jiusi no Jijui	Iyo ..	Ooajima ..	do. ..	100,000
Ditto ..	Datté Wakasa no Kami Jiu-goe	do. ..	Yoshida ..	do. ..	30,000
Hossokawa Kay	Hossokawa Etsjiu no Kami Jiusi no Shosho	Higo ..	Kumamoto ..	Kokoshioo ..	540,000
Cadet of Hossokawa Kay	Hossokawa Wakasa no Kami ..	do. ..	Shindeng ..	Tozamma ..	35,000
Ditto ..	Hossakawa Shumenoskay ..	do. ..	Oodo ..	do. ..	30,000
Ditto ..	Hossakawa Gengba no Kami ..	Fitatsi ..	Yatabay ..	do. ..	16,300
Kooroda Kay	Matz दौरा Mino no Kami Jiusi no Chioojo	Tsikuzen ..	Fukuoku ..	Kokoshioo ..	520,000
Cadet of Kooroda Kay	Kooroda Toki no Skay ..	do. ..	Akidzuki ..	Tozamma ..	50,000
Ditto ..	Kooroda Isse no Kami Jiu-goe	Kadsusa ..	Kooroori ..	Fudai ..	30,000
Assano Kay ..	Matz दौरा Aki no Kami Jiusi no Shosho	Aki ..	Hiroshima ..	Kokoshioo ..	426,000

Family Name.	Daimio's Name.	Province.	City.	Class of Daimio.	Revenue in Kokus.
Cadet of Assano ..	Matz दौरa Owomi no Kami, Jiu-goe	Aki ..	Near Hiroshima	Tozamma ..	30,000
Mowori Kay ..	Matz दौरa Daizen no aiboo, Jiusi no Chioojo	Nangato ..	Hangee ..	Kokoshioo ..	369,000
Cadet of Mowori ..	Mowori Awadsai no Kami, Jiu-goe	Suwo ..	Tokuyama...	Tozamma ..	40,010
Ditto ..	Mowori Sa Kioh no Skay, Jiu-goe	Nangato ..	Futchioo ..	do. ..	50,000
Ditto ..	Mowori Sanuki no Kami, Jiu-goe	do. ..	Kiossuyay ..	do. ..	10,000
Mowori Kay (another family)	Mowori Awa no Kami ..	Bungo ..	Sayeki ..	do. ..	20,000
Nabeshima Kay ..	Matz दौरa Hizen (Fizen) no Kami Jiusi no Jijiu	Hizen ..	Saga ..	Kokoshioo ..	357,000
Cadet of Nabeshima ..	Nabeshima Kanga no Kami, Jiu-goe	do. ..	Koshiro ..	Tozamma ..	13,290
Ditto ..	Nabeshima Kahi no Kami, Jiu-goe	do. ..	Hassueekay ..	do. ..	52,625
Ditto ..	Nabeshima Bizen no Kami ..	do. ..	Kashima ..	do. ..	20,000
Ikeda Kay ..	Matz दौरa Segami no Kami, Jiusi no Chioojo	Inaba ..	Towotori ..	Kokoshioo ..	325,000
Cadet of Ikeda ..	Matz दौरa Isse no Kami, Jiu-goe	do. ..	Shinden ..	Tozamma ..	30,000
Ditto ..	Matz दौरa Sa-yay-mon no Skay, Jiu-goe	do. ..	do. ..	do. ..	15,000
Ikeda Kay (2nd family)	Matz दौरa Koora no Kami (known as "Bizen dono"), Jiusi no Shosho	Bizen ..	Okayama ..	Kokoshioo ..	315,200
Cadet of 2nd family of Ikeda	Ikeda Sinano no Kami ..	do. ..	Shinden ..	..	25,000
Ditto ..	Ikeda Sho-marō ..	..	..	Tozamma ..	15,000
Ee-yee Kay ..	(Ee-yee) Ekammong no Kami, Jiusi no Chioojo	Owomi ..	Hikonay ..	Fudai ..	350,000
Towodo Kay ..	Ee Hioh-boo no Sho ..	Etsingo ..	Yoeeta ..	do. ..	20,000
	Towodo Idsumi no Kami, Jiusi no Chioojo	Issé ..	Tsz ..	Large Fudai ..	323,900
Hatchiska Kay ..	Towodo Sado no Kami ..	do. ..	Hissayee ..	Tozamma ..	53,000
	Matz दौरa Awa no Kami, Jiusi no Chioojo	Awa ..	Tokushima ..	Kokoshioo ..	257,900
Yamano-ootchi Kay ..	Matz दौरa Tosa no Kami ..	Tosa ..	Kowochi ..	do. ..	242,000
	Yamano-ootchi Tootomi no Kami	do. ..	Shinden† ..	Tozamma ..	13,000
Arima Kay ..	Arima Nakatskasa no Tayu, Jiusi no Shosho	Tsikugo ..	Koorumi ..	|| Kokoshioo ?	210,000
Arima (2nd family)	Arima Hiogo no Kami ..	Shimotsuki ..	Fookiangay ..	Tozamma ..	10,000
	* Arima Sa-hioh-yay no Skay ..	Etsizen ..	Maruo-ka ..	† Fudai ..	50,000
Sataki Kay ..	Sataki-oo Kioh no Daiboo ..	Dewa ..	Akita ..	|| Kokoshioo ?	205,800
	Sataki Eekay no Kami ..	do. ..	AkitaShinden	Tozamma ..	20,000
Iwaki Kay ..	Iwaki sa Kioh no Daiboo ..	do. ..	Kameda ..	do. ..	20,000
Nambo Kay ..	Nambo Mino no Kami, Jiusi no Shosho	Mootz ..	Morivoka ..	|| Kokoshioo ?	200,000
Ooyay-soongee Kay ..	Nambo Tanba no Kami ..	do. ..	Moriaka ..	Tozamma ..	11,000
	Nambo Towotomi no Kami ..	do. ..	Hatchinohay.	do. ..	20,000
	Ooyay-soongee Danjonodai shitz Jiusi no Shosho	Dewa ..	Yoonesawa ..	Kokoshioo ..	150,000
Cadet of Ooyay-soongee Kay	Ooyay-soongee Suruga no Kami	do. ..	Yoonesawa Shinden	Tozamma ..	10,000
Matz दौरa Kay ..	Hissamatz Matz दौरa, or Matz दौरa Oki no Kami, Jiusi no Shosho	Iyo ..	Matzuyama ..	Kammong ..	150,000
Okudaira Kay Matz दौरa Kay (2nd family)	Matz दौरa Etsjiu no Kami ..	Issé ..	Kooanna ..	do. ..	110,000
	Matz दौरa Suruga no Kami ..	Iyo ..	Imabarri ..	Fudai ..	30,000
	Matz दौरa Boongo no Kami ..	Shimosa ..	Tako ..	do. ..	12,000
	Matz दौरa Shimosa no Kami ..	Mushashi ..	Oshi ..	do. ..	100,000
	Matz दौरa Setsu no Kami ..	Kowotsuki ..	Obatta ..	do. ..	20,000
	Okudaira Daizen no Daiboo ..	Boongo ..	Nakatz ..	do. ..	100,000
	Matz दौरa Ookon no Sho Genn	Iwami ..	Hamado ..	do. ..	61,000
	Matz दौरa Kahi no Kami ..	Yamato ..	Koriyama ..	do. ..	151,288
	Yanangisawa Mimbo no Sho ..	Etsingo ..	Knookawa ..	do. ..	10,000
	Yanangisawa Shotaro ..	do. ..	Mikaitchi ..	do. ..	10,000

* The Roman Catholic in the sixteenth century.

† Common name means new field or ground.

‡ Formerly Tozamma.

|| Those marked (?) are in rank and importance nearly Kokoshioo.

Family Name.	Daimio's Name.	Province.	City.	Class of Daimio.	Revenue in Kokus.
Sakakibarra Kay	Sakakibarra Siki-boo no Tayu	Etsingo	Takatta	Fudai	150,000
Honda Kay	Honda Mino no Kami	Mikawa	Okasaki	do.	50,000
	Honda Higo no Kami	Harima	Yamadaka	do.	10,000
	Honda Noto no Kami	Mootz	Idsumi	do.	20,000
	Honda Hoki no Kami	Suruga	Tanakka	do.	40,000
	Honda Shuzenn no Kami	Owomi	Zezzay	do.	60,000
	Honda Iyo no Kami	Isse	Kando	do.	15,000
	Honda Boongo no Kami	Sinano	Eeyama	do.	20,000
O-ngasawarra Kay	O-ngasawarra Daizen no Daiboo	Buzen	Kokura	do.	150,000
	O-ngasawarra Owomi no Kami	do.	do. Shinden	do.	10,000
	O-ngasawarra Kowomatz Maro	Harima	Anjee	do.	10,000
	O-ngasawarra Sado no Kami (his son O-Dzus-ho no Kami is now in the Gorogio)	Hizen	Karatz	do.	60,000
Hayashi Kay	Hayashi Higo no Kami	Kadsusa	Iosayee	do.	10,000
	O-ngasawarra Sa-yay-mon no Skay	Etsizen	Katsuyama	do.	22,270
Sakkye-ee Kay	Sakkye Oota no Kami	Harima	Himejee	do.	150,000
	Sakkye Shimotsaki no Kami	Kowodzuki	Ishizaki	do.	20,000
	Sakkye Wakasa no Kami	Wakasa	Obamma	do.	112,580
	Sakkye oo Kioh nos Kay	Etsizen	Tsuroonga	do.	10,000
	Sakkye Sho Jiro	Awa	Katzuyama	do.	120,000
	Sakkye Sa-yay-mon Nojo	Dewa	Shonaee	do.	140,000
	Sakkye Daikakoo no Kami	do.	Matzuyama	do.	25,000
Owokubo Kay	Owokubo Kanga no Kami	Segami	Odawarra	do.	153,000
	Owokubo Nagato no Kami	do.	Hangeenoya- manaka	do.	13,000
	Owokubo Sada no Kami	Shimotsuki	Karassuyama	do.	30,000
Inaba Kay	Inaba Nagata no Kami	Yamashiro	Yodo	do.	102,000
	Inaba Hioh-boo no Sho	Awa	Tattheyama	do.	10,000
Inaba Kay (2nd family)	Inaba Iyo no Kami	Boongo	Oosooke	do.	56,000
Tatchibanna Kay	Tatchibanna Hida no Kami	Tsikugo	Yanagawa	Tozamma	119,600
	Tatchibanna Idzumo no Kami	Mootz	Shimotedo	do.	10,000
Niwa Kay	Niwa Sa Kioh no Daiboo	do.	Nibonmatz	do.	100,700
	Niwa Nagato no Kami	Harima	Mikoosa	do.	10,000
Tsoongaroo Kay	Tsoongaroo Etsjiu no Kami	Mootz	Hirosaki	do.	100,000
	Tsoongaroo Siki-boo no Sho	do.	Kooroishi	do.	10,000
Sanada Kay	Sanada Sinano no Kami	Sinano	Matzushiro	do.	100,000
Abé Kay	Abé Harima no Kami	Mootz	Sirakawa	Fudai	100,000
	Abé Kadsuyay no Kami	Bingo	Hiruyama	do.	110,000
	Abé Inaba no Kami	Kadsusa	Samuki	do.	16,000
Ambay Kay	Ambay Setsu no Kami	Musasi	Okabbe	do.	20,200
Toda Kay	Toda Ooneme no Kami	Mino	Owogaki	do.	100,000
	Toda Awadsi no Kami	do.	do. Shinden	do.	10,000
	Toda Etsizen no Kami	Shimotsuki	Ootsoonomia	do.	? 77,000
	Toda Htschi no Skay	do.	Ashkanga	do.	11,000
Akimoto Kay	Akimoto Tajima no Kami	Kowotsuki	Tattebayashi	do.	60,000
Hotta Kay	Hotta Ko no Skay	Simosa	Sakura	do.	11,000
	Hotta Setsu no Kami	Shimotsuki	Sano	do.	16,000
	Hotta Kanga no Kami	Owomi	Miagawa	do.	13,000
Sso Kay	Sso Tsussima no Kami	Tsussima Is- land	Futchioo	..	100,000
Ashkanga Kay	Kitsuri ngawa yo itchi Maro	Shimotsuki	Kitsurigawa	..	..
Tsucheeya Kay	Tsucheeya Ooneme no Kami	Fitatsi	Tsucheecoora	Fudai	95,000
Do-ee Kay	Do-ee Oee no Kami	Simosa	Konga	do.	80,000
	Do-ee Osumi no Kami	Mikawa	Kareeya	do.	23,000
	Do-ee Noto no Kami	Etsizen	Owono	do.	40,000
Makino Kay	Makino Bizen no Kami	Etsingo	Nagaoka	do.	71,000
	Makino Towotomi no Kami	Sinano	Komuro	do.	15,000
	Makino Etjiu no Kami	Hitatsi	Kasamma	do.	80,000
	Makino Sanka no Kami	Tango	Tanabbe	do.	35,000
Nakagawa Kay	Nakagawa	Boongo	Oka	Head of small Tozamma	70,400
2nd Matz दौर Kay or Honjo Kay	Matz दौर Hoki no Kami	Tango	Miass	Fudai	70,000
	Honjo Koorae no Sho	Mino	Takatomi	do.	10,000
3rd Matz दौर Kay, Nangasawa	Matz दौर Idzu no Kami	Mikawa	Yoshida	do.	70,000
Matz दौर, properly Owogootchi	Matz दौर Oribay no Kami	Kadsusa	Owotaki	do.	20,000
	Matz दौर Kio Saburo	Kowotsuki	Takasaki	do.	82,200
	Fookka Midzoo Matz दौर, Matz दौर Tonomoo no Kami	Aizen	Shimabarra	do.	70,000
	Toda Matz दौर, Matz दौर Tamba no Kami	Sinano	Matzamato	do.	60,000
	Owonuki Matz दौर, Matz दौर Idzumi no Kami	Mikawa	Mshiwo	do.	60,000
	Matz दौर Sayay mon Nojo	Boongo	Foonae	do.	21,200

Family Name.	Daimio's Name.	Province.	City.	Class of Daimio.	Revenue in Kokus.
	Matz दौरा Hioh boo Sho ..	Mikawa ..	Okudono ..	Fudai ..	16,000
	Matz दौरा Noto no Kami ..	Mino ..	Iwamura ..	do. ..	30,000
	Fusi Matz दौरा, Matz दौरा Yojuro	Sinano ..	Ooyedda ..	do. ..	53,000
	Matz दौरा Yamashiro no Kami	Dewa ..	Kaminoyama	do. ..	30,000
	Kattaharra Matz दौरा, Matz दौरा Buzen no Kami	Tanba ..	Kameyama..	do. ..	50,000
	Seratta Matz दौरा, Matz दौरा Tango no Kami	Suruga ..	Ojima ..	do. ..	10,000
	Matzsuee Matz दौरा, Matz दौरा Suwo no Kami	Mootz ..	Tanangura ..	do. ..	60,400
	Sakurayee Matz दौरा ..	Setsu ..	Amangasaki.	do. ..	40,000
	Nomi Matz दौरा, Matz दौरा Osumi no Kami	Boongo ..	Kitsuku ..	do. ..	32,000
Midzuno Kay ..	Midzuno Idzumi no Kami ..	Dewa ..	Yamagata ..	do. ..	50,000
	Midzuno Dewa no Kami ..	Suruga ..	Nomadzoo ..	do. ..	50,000
	Midzuno Hizen no Kami ..	Kadsusa ..	Tsurumaki ..	do. ..	15,000
	Midzuno Fiuga no Kami ..	Simosa ..	Yuki ..	do. ..	18,000
Neito Kay ..	Neito Gonno Shogenn ..	Fiuga ..	Nobeeka ..	do. ..	70,000
	Neito Katsu Nojo ..	Mootz ..	Yoonagaya ..	do. ..	15,000
2nd Neito Kay ..	Neito Kii no Kami ..	Etsigo ..	Moorakami ..	do. ..	50,010
	Neito Kin Itchiro ..	Mikawa ..	Koromo ..	do. ..	20,000
	Neito Suruga no Kami ..	Sinano ..	Takato ..	do. ..	33,000
	Neito Sima no Kima ..	do. ..	Iwamurada ..	do. ..	15,000
Tosawa Kay..	Tosawa Kadsusa no Skay ..	Dewa ..	Mowongami	do. ..	68,000
			Sinjo		
Ando Kay ..	Ando Tsussima no Kami ..	Mootz ..	Iwakidaira ..	do. ..	50,060
Matzu-ora Kay ..	Matuoora Hizen no Kami ..	Hizen ..	Hirado ..	Tozamma ..	61,700
	Matzuoora Boongo no Kami ..	do. ..	do. Sinden	do. ..	10,000
Soma Kay ..	Soma Daizen no Skay ..	Mootz ..	Nakamura ..	do. ..	60,000
Ishikawa Kay ..	Ishikawa Tonomo no Kami ..	Issé ..	Kameyama ..	Fudai ..	60,000
	Ishikawa Wakasa no Kami ..	Fitatsi ..	Shimodadi ..	do. ..	20,000
Kiogokoo Kay ..	Kiogokoo Sado no Kami ..	Sanuki ..	Marungami..	Tozamma ..	51,500
	Kiogokoo Iki no Kami ..	do. ..	Tadotz ..	do. ..	10,000
	Kiogokoo Hida no Kami ..	Tajima ..	Toyo-oka ..	do. ..	15,000
	Kiogokoo Bitsjiu no Kami ..	Tango ..	Mineyama ..	do. ..	15,000
Inooyay Kay ..	Inooyay Kawadsi no Kami ..	Towotomi ..	Hamanatz ..	Fuda ..	60,000
	Inooyay Iyo no Kami ..	Fitatsi ..	Shimotsima..	do. ..	10,000
	Inooyay Tsikugo no Kami ..	Simosa ..	Taga oka ..	do. ..	10,000
Koozay Kay ..	Koozay Yamato no Kami ..	do. ..	Sekiyado ..	do. ..	68,000
Wakisaka Kay ..	Wakisaka Awadsi no Kami ..	Harima ..	Tatsuno ..	do. ..	51,080
Okabbay Kay ..	Okabbay Tsikuzen no Kami ..	Idsu ..	Kishino wada	do. ..	53,000
Itowô Kay ..		Fiuga ..	Obi ..	Tozamma ..	51,000
	Itowo Harima no Kami ..	Bitsjin ..	Okada ..	do. ..	10,300
Kattowo Kay ..	Kattowo Dewa no Kami ..	Iyo ..	Ozoo ..	do. ..	60,000
	Kattowo Okura no Sho ..	do. ..	Neeya ..	do. ..	10,000
	Kattowo Etsjiu no Kami ..	Owomi ..	Minakootchi.	Fudai, formerly Tozamma	25,000
Awoyama Kay ..	Awoyama Inaba no Kami ..	Tanba ..	Sassayama ..	Fudai ..	60,000
	Awoyama Okura no Tayu ..	Mino ..	Hatchimany ..	do. ..	48,000
Manabay Kay ..	Manabay Shimosa no Kami ..	Etsizen ..	Sabayay ..	do. ..	50,000
Itakura Kay..	Itakura Suwo no Kami ..	Bitsjiu ..	Matzuyama..	do. ..	50,000
	Itakura Kazuyay no Kami ..	Kowotsuki ..	Annaka ..	do. ..	30,000
	Itakura Setsu no Kamt ..	Bitsjiu ..	Neewassay ..	do. ..	20,000
	Itakura Neizenn no Kami ..	Mootz ..	Fookooshima	do. ..	30,000
Akita Kay ..	Akita Awa no Kami ..	do. ..	Miharra ..	Tozamma ..	50,000
Misongootchi Kay ..	Misongootchi Shuzenn no Kami ..	Etsingo ..	Shibatta ..	do. ..	100,000
Owota Kay ..	Owota Sojiro ..	Towotomi ..	Kakegawa ..	† Fudai ? ..	50,037
Kamayee Kay ..	Kamayee Oki no Kami ..	Iwami ..	Suwano ..	Tozamma ..	43,000
Nangayee Kay ..	Nangayee Hida no Kami ..	Setsu ..	Takatski ..	Fudai ..	36,000
	Nangayee Hizen no Kami ..	Mino ..	Kano ..	do. ..	32,000
	Nangayee Sinano no Kami ..	Yamato ..	Shinjo ..	do. ..	10,000
Kookee Kay..	Kookee Nagoto no Kami ..	Setsu ..	Sanda ..	Tozamma ..	36,000
	Kookee Osumi no Kami ..	Tanba ..	Ayabbé ..	do. ..	19,500
Tokee Kay ..	Tokee Yamashiro no Kami ..	Kowotsuki ..	Numatta ..	† Tozamma ? ..	35,000
Nishowo Kay ..	Nishowo Yayki no Skay ..	Towotomi ..	Yokoska ..	† Fudai ? ..	35,000
Suwa Kay ..	Suwa Inaba no Kami ..	Sinano ..	Takashima ..	Fudai ..	30,000
Kootsukee Kay ..	Kootsukee Owomi no Kami ..	Tanba ..	Fookujeyama	Fudai formerly Tozamma	32,000
Toriyee Kay ..	Toriyee Tanba no Kami ..	Shimotsuki..	Meeboo ..	Fudai ..	30,000
Inagakee Kay ..	Inagakee Sinano no Kami ..	Shima ..	Toba ..	do. ..	30,000
	Inagakee Wakasa no Kami ..	Owomi ..	Yamangami ..	do. ..	13,040
Sengokoo Kay ..	Sengokoo Sanuki no Kami ..	Tajima ..	Idzushi ..	Tozamma ..	30,000
Matzmai Kay ..	Matzmai Idzu no Kami ..	Matzmai ..	Yezo ..	do. 30,000	Kokus.
Horee Kay ..	Horee Sa Kioh no Skay ..	Etsingo ..	Mooramatz..	do. 18,000	Kobangs.
	Horee Idzumo no Kami ..	do. ..	Seeyeyea ..	Fudai ..	30,000
					10,000

Family Name.	Daimio's Name.	Province.	City.	Class of Daimio.	Revenue in Kokus.
	Horee Nagato no Kami ..	Sinano ..	Susaka ..	Tozamma ..	10,050
	Horee Iwami no Kami ..	do. ..	Eedah ..	do. ..	17,000
Akidzuki Kay ..	Akidzuki Nagato no Kami ..	Fiuga ..	Takanabbe ..	do. ..	27,000
Koeday Kay ..	Koeday Tchikara ..	Tanba ..	Sonobay ..	do. ..	26,700
Owomura Kay ..	Owomura Tango no Kami ..	Hizen ..	Cmura ..	do. ..	27,200
Ooyaymura Kay ..	Ooyaymura Suruga no Kami ..	Yamato ..	Takatori ..	Fudai ..	25,000
Kinoshta Kay ..	Kinoshta Bitsjiu no Kami ..	Bitsjiu ..	Ashimori ..	Tozamma ..	25,000
	Kinoshta Hida no Kami ..	Boongo ..	Heejee ..	do. ..	25,000
	Miura Bingo no Kami ..	Mimmasaka ..	Katzuyama ..	Fudai ..	23,000
Massuyama Kay ..	Massuyama Kawadsi no Kami ..	Issee ..	Nagashima ..	do. ..	20,000
Sagarra Kay ..	Sagarra Etsizen no Kami ..	Higo ..	Fitoyoshi ..	do. ..	22,000
Rokoogo Kay ..	Rokoogo Chegoro ..	Dewa ..	Honjo ..	Tozamma ..	20,020
Mori Kay ..	Mori Mimmasaka no Kami ..	Harima ..	Ako ..	do. ..	20,000
	Mori Idzu no Kami ..	do. ..	Mikazuki ..	do. ..	15,000
Seki Kay ..	Seki Bizen no Kami ..	Bitsjiu ..	Neemee ..	do. ..	18,000
Otta Kay ..	Otta Hio Boosho ..	Dewa ..	Tendo ..	do. ..	20,000
	Otta Yamashiro no Kami ..	Tanba ..	Kaibarra ..	do. ..	20,000
	Otta Setsu no Kami ..	Yamato ..	Shibbamura ..	do. ..	10,000
	Otta Tsikuzen no Kami ..	do. ..	Yanangeemoto ..	do. ..	10,000
Wakkebay Kay ..	Wakkebay Wakasa no Kami ..	Owomi ..	Omizzo ..	do. ..	20,000
Owoka Kay ..	Owoka Higo no Kami ..	Musasi ..	Iwadzuki ..	Fudai ..	23,000
	Owoka Etsizen no Kami ..	Mikawa ..	Nishiowohira ..	do. ..	10,000
Ozekki Kay ..	Ozekki Higo no Kami ..	Shimotsuki ..	Koorabanne ..	Tozamma ..	18,000
Itchihashi Kay ..	Itchihashi Iki no Kami ..	Owomi ..	Nishiojee ..	do. ..	18,000
Ootchida Kay ..	Ootchida Tonomo no Kami ..	Shimosa ..	Omigawa ..	Fudai ..	10,000
Watanabbe Kay ..	Wattanabbe Tango no Kami ..	Idsumi ..	Hakatta ..	do. ..	18,500
Kooroshmia Kay ..	Kooroshmia Shooko ..	Boongo ..	Mori ..	Tozamma ..	12,900
Gotto Kay ..	Gotto Owomi no Kami ..	Hizen ..	Gotto Fooku-yay ..	do. ..	12,600
Heezeekatta Kay ..	Heezeekatta muko cheoo ..	Issé ..	Komono ..	do. ..	11,000
Miakay Kay ..	Miakay Bizen no Kami ..	Mikawa ..	Tayara ..	Fudai ..	12,000
Yoonekura Kay ..	Yoonekura Shimotsuki no Kami ..	Musasi ..	Kanesawa ..	do. ..	12,000
Owotawarra Kay ..	Owotawarra Hida no Kami ..	Shimotsuk ..	Owotawarra ..	Tozamma ..	11,400
Katagiri Kay ..	Katagiri Iwami no Kami ..	Yamato ..	Koedzumi ..	do. ..	11,808
Yoonekeezoo Kay ..	Yoonekeezoo Isse no Kami ..	Dewa ..	Nagatoro or Meorayama ..	Fudai ..	11,000
Toyama Kay ..	Toyama Mino no Kami ..	Mino ..	Na-engee ..	Tozamma ..	10,021
Kanowo Kay ..	Kanowo Towotomi no Kami ..	Kadsusa ..	Itchinomia ..	Fudai ..	13,000
Tagakee Kay ..	Tagakee Mondo no Kami ..	Kawadsi ..	Tannang ..	do. ..	10,000
Morikawa Kay ..	Morikawa Dewa no Kami ..	Shimosa ..	Oyoomi ..	do. ..	10,000
Tattebay Kay ..	Tattebay Takumi no Kami ..	Harima ..	Hyashida ..	Tozamma ..	10,000
Yamagootchi Kay ..	Yamagootchi Cho Jiro ..	Fitatsi ..	Ooshikoo ..	Fudai ..	10,000
Howojo Kay ..	Howojo (Segami ?) no Kami ..	Kawadsi ..	Sayama ..	Tozamma ..	10,000
Awokee Kay ..	Awokee Genguro ..	Setsu ..	Asada ..	do. ..	10,000
Tamri Kay ..	Tamri Daizen no Skay ..	Tanba ..	Yamaga ..	do. ..	10,000
Shinjio Kay ..	Shinjio Suruga no Kami ..	Fitatsi ..	Asso ..	do. ..	10,000
Stots Yanangee Ka ..	Stots Yanangee Tosa no Kami ..	Harima ..	Ono ..	do. ..	10,000
	Stots Yanangee Hiohboosho ..	Iyo ..	Kumatz ..	do. ..	10,000
Yageyoo Kay ..	Yageyoo Tajima no Kami ..	Yamato ..	Yageyoo ..	Fudai ..	10,000
Endo Kay ..	Endo Mimboo no Tayu ..	Owomi ..	Mikami ..	do. ..	12,000
Tanoma Kay ..	Tanoma Gengba no Kami ..	Towotomi ..	Sagarta ..	do. ..	10,000

NOTE.—The standard value of a koku of rice is 11 itzebus; this, at the Treaty-price weight for weight, £100 = 311 itzebus, and the dollar at the value of 4s. 2d., would give the koku of rice at (say for all practical purposes) 15s. sterling.—Eds. J. H.

No. 21.

Lieutenant-Colonel Neale to Earl Russell.—(Received May 16.)

My Lord,

Yokohama, March 2, 1863.

I HAVE had the honour to receive your Lordship's despatch of the 9th of December last,* in reference to the murder and outrage committed upon British subjects in this vicinity on the 14th of September last.

It is difficult for me to express to your Lordship the extreme support and encouragement I have derived in the discharge of my anxious and responsible duties by learning that the course I felt it to be my duty to pursue on that occasion has met with the entire approval of Her Majesty's Government.

Since the date of my first report respecting that regrettable event I have had the honour to inform your Lordship from time to time of the communications, written and personal, which have taken place between the Japanese Ministers and myself respecting it.

* See "Correspondence respecting Affairs in Japan," presented to Parliament in 1863, No. 50.

The result has led to the conviction that the Tycoon's Government is powerless to afford reparation, inasmuch as that reparation necessitates the arrest of the malefactors within the domain of the Prince of Satsuma, an attempt to effect which would, in all probability, hasten to a climax the gathering elements of civil war in this country. The urgent necessity for active measures on the part of the Tycoon's Government to constrain the Prince to deliver up the criminals is not as yet sufficiently apparent to the Mikado and nobles hostile to foreign intercourse. Extraneous pressure, coming from a powerful foreign nation, would not only afford a ready reason to this Government for the adoption of such stringent measures as are possibly within its reach; but there are strong reasons to entertain the belief that the Tycoon and his Government would view with passive satisfaction Satsuma, Nagato, and Tosa (the three powerful Daimios who are hostile alike to the Tycoon's Dynasty and to foreign intercourse), made aware of the contingency of Her Majesty's Government exacting redress, if needs be, at the ports of their own seaboard possessions.

I have now the honour to await the instructions which I am informed by your Lordship would be transmitted to me by the mail of the 26th December. In the meanwhile it has fortunately occurred that the generally agitated state of affairs in this country, and the danger of violence threatened at intervals to the foreign community of Yohohama, rendered it imperative upon me, more than three weeks ago, to request Admiral Kuper to afford me the support of his presence with as strong a force as he can for a while detach from China.

Thus I have reason to hope that the Admiral will arrive here simultaneously with the mail which will convey to me your Lordship's instructions.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

No. 22.

Lieutenant-Colonel Neale to Earl Russell.—(Received May 16.)

My Lord,

Yokohama, March 14, 1863.

YOUR Lordship's despatches of the 24th and 27th of December, conveying to me my instructions with reference to the murder and outrage committed upon British subjects on the 14th of September last, have engaged my most anxious attention with a view of being prepared for all contingencies in the event of the Japanese Government refusing or evading the reparation I am directed to demand.

While awaiting, however, the arrival of Admiral Kuper, who, I have every reason to expect, will be here by the 20th instant, I have deemed it very expedient to abstain from awakening the immediate adoption of precautionary measures on the part of the Japanese Government by making to them any communication as to the nature of my instructions, which, were I to do so, might defeat perhaps, or render more difficult, the course of action which the Admiral may consider best adapted to attain the end in view.

I have in the meanwhile to report to your Lordship that since the date of my last despatches I have received no communications from the Japanese Government referring either to the subject of the compensation I have been instructed to demand for the families of the guards murdered on the occasion of the attack on Her Majesty's Legation on the 26th of June last, nor in respect to any reparation they are prepared to offer for the murder and outrage of the 14th of September, notwithstanding the urgency of my demands in connection with those events.

While actively adopting such measures of defence as at present are within their reach, consisting chiefly in the enrolment of volunteers, the erection of new forts at various points in the inland sea and on the coast, and a new distribution of Daimios charged with these preparations for resistance, the Japanese Government would seem passively and resignedly to await the course of events, intending to shape their course according to the urgency of the danger which may threaten them.

By the ensuing mail I trust to be in a position to announce to your Lordship the measures which I have found it expedient and essential to adopt in carrying out, to the best of my judgment, the instructions with which I have the honour to be charged.

I have the satisfaction in the meanwhile to report to your Lordship that since the destruction of the Legation residence at Yeddo, no fresh event has occurred to excite the apprehensions of the foreign communities, although the internal effervescence between the partisans of the Tycoon and Mikado unceasingly prevails.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

No. 23.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, May 21, 1863.

HER Majesty's Government approve your proceedings, as reported in your despatch of the 16th of February, with reference to the compensation you have been instructed to demand from the Japanese Government on account of the murder of two men of Her Majesty's ship "Renard."

I am, &c.

(Signed) RUSSELL.

No. 24.

Lieutenant-Colonel Neale to Earl Russell.—(Received May 27.)

My Lord,

Yokohama, March 29, 1863.

WITH reference to my despatch of the 3rd February last, transmitting for your Lordship's information a copy of a despatch I had addressed to Rear-Admiral Kuper, I have now the honour to inclose a copy of a despatch I have received in reply, but which did not reach me until after the Admiral's own arrival.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 24.

Rear-Admiral Kuper to Lieutenant-Colonel Neale.

Sir,

"Euryalus," at Hong Kong, February 21, 1863.

I HAVE the honour to acknowledge the receipt of your despatch of the 2nd instant, detailing the various incidents which have recently transpired in Japan tending to threaten the safety of foreign residents at Yokohama and other places.

I had previously determined upon proceeding to Japan, but have been detained in order to complete the refit of Her Majesty's ships lately arrived from England.

It is, however, my intention to leave this port on the 25th instant for Yokohama direct, accompanied by the "Rattler" and "Racehorse," leaving instructions for other vessels to follow me when ready.

I have, &c.

(Signed) AUGUSTUS L. KUPER.

No. 25.

Lieutenant-Colonel Neale to Earl Russell.—(Received May 27.)

(Extract.)

Yokohama, March 29, 1863.

CONSEQUENT upon the full instructions I have received from your Lordship on the subject of the redress and reparation to be demanded from the Japanese Government, I conceived it to be advisable to communicate with Rear-Admiral Kuper, and to solicit his arrival as soon as conveniently practicable. A copy of my letter I have the honour herewith to inclose.

The Admiral having in the meanwhile received corresponding instructions from the Admiralty, had left Hong Kong, and I had the satisfaction to hail his arrival here on the 22nd instant. In company with the flag-ship were Her Majesty's ships "Rattler" and "Racehorse." Her Majesty's ship "Centaur" and gun-boat "Kestrel" were already in port. Two days subsequently Her Majesty's ship "Argus" joined the flag, to be followed, as the Admiral informs me, by the "Pearl," "Encounter," "Coquette," "Ringdove," "Cormorant," and all other available vessels on the China station.

It will be impossible for me to convey to your Lordship by this occasion any reliable information as to the tone or attitude which the Japanese Government is likely to adopt upon the receipt of the specific and peremptory demands I have been instructed to make. In presence of the squadron, already assembled here, the Japanese Ministers have pre-

served the most perfect silence, and have not even requested to be informed of the cause of its arrival. That this should be so has been to me the subject of much congratulation, as I am desirous of avoiding all communication with them in respect to the measures in contemplation, until I have concerted with the Admiral the course to be adopted under every probable contingency.

But in the course of two or three days after the departure of this mail, I purpose to make my first move in the execution of your Lordship's instructions, by sending in the demand for reparation, prefaced by a detailed statement and declaration of the improper and unsatisfactory course which the Japanese Ministers have adopted under the circumstances of the unprovoked outrages which have been committed. I shall also deem it my duty to incorporate with the present demands those which I had already preferred in connection with the attack on Her Majesty's Legation, and which remain unrequited.

Simultaneously with the presentation of these demands to the Tycoon's Ministers, I purpose to address a letter to the Prince of Satsuma in accordance with your Lordship's instructions, which I will request the Admiral to cause to be delivered by a ship of war. And I here venture to express to your Lordship my conviction and opinion that the hardest blows we may be forced to strike should be directed against this Daimio, so thwarting to the Tycoon's Government in its relations with foreigners, and so directly connected with the perpetrators of the outrage for which redress is sought. The scene of hostilities would thus also be removed to a distance from the Tycoon's Court and capital, while the news which would percolate throughout the Empire that Satsuma had been humbled in his independent career, would afford, I have reason to believe, actual satisfaction to the Yeddo Government.

In my preliminary communications, however, with the Japanese Government, I shall be impressed with the most conciliatory spirit so long as a reasonable probability exists of obtaining the reparation demanded in both cases without recourse to coercion; and I shall especially explain and impress upon the Japanese Ministers the essential difference between measures of reprisal should they be forced upon us for the purpose of awakening in them a knowledge of the serious necessity of affording redress, and a declaration of war, as declared between nations, founded upon great political differences.

The blockade of the Japanese ports, in the ordinary meaning of the term, unless as restricted only to the Japanese flag, I trust may not prove necessary, as in truth at the open ports the foreign residents would be the only sufferers, and I believe I may venture to say that the Admiral is inclined to this opinion.

I cannot but cherish and maintain the expectation that the Japanese Government will yield before the evident display of force presented to them, and the irrevocable determination of Her Majesty's Government to obtain the required reparation; and I shall not fail to point out to them that the penalty now imposed upon Japan and measured in thousands, with considerate regard for their political embarrassments, will inevitably expand into millions, should they under evil advice cause Japan to drift into open hostilities with Great Britain, a Power with which they are so utterly unable to cope.

Impressed with the fact that the difference which we have at issue with the Japanese Government is restricted to a demand for reparation arising out of the occurrence of two isolated outrages which we have no proof were perpetrated with the knowledge or acquiescence of the Tycoon's Government; impressed, moreover, with the humble conviction that, apart from these lamentable occurrences and the first attack on the Legation, no hostile or defiant conduct has been exhibited towards us by the Japanese Government during the course of our relations with this country,—although, indeed, want of confidence and distrust has ever been perceptible,—I shall devote my best endeavours to avert a serious interruption of our commercial relations, which may fairly be said to be prosperous; keeping at the same time steadily in view the paramount duty with which I am charged, of carrying into effect, in letter and in spirit, the instructions with which I am furnished by your Lordship.

Inclosure in No. 25.

Lieutenant-Colonel Neale to Rear-Admiral Kuper.

Sir,

Yokohama, March 13, 1863.

I HAVE the honour to acquaint you that by the last mail I was placed in possession of instructions addressed to me by Earl Russell, regarding the reparation to be demanded from the Japanese Government, as well as from the Prince of Satsuma, for the outrage committed upon British subjects on the 14th of September last.

While in the execution of those instructions, I am directed to apply to you, with a view to the adoption of measures of coercion, should the Japanese Government attempt to refuse or evade the demands I am to make.

Under these circumstances I deem it to be most essential that I should abstain from entering upon any communication with the Japanese Ministers on the question at issue, until I have the support of your presence, assuming the great probability of their rejecting the peremptory reparation I am directed to seek at their hands. I have, therefore, the honour to state that I most anxiously await your arrival, and more especially as, in anticipation of the contingency about to be realized, the Japanese Government are adopting such measures of defence as are within their reach.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

No. 26.

Lieutenant-Colonel Neale to Earl Russell.—(Received May 27.)

My Lord,

Yokohama, March 30, 1863.

I HAVE this moment received a communication from the Japanese Ministers, of which I have the honour herewith to inclose a copy, together with a copy of the reply which I felt it to be my duty immediately to address to them.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 26.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE hereby make known to you that His Majesty the Tycoon has resolved to go to Miako overland, on the 13th instant (31st March).

With respect and consideration.

11th of 2nd month of 3rd year of Bung-kew (March 29, 1863).

(Signed) MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.

Inclosure 2 in No. 26.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, March 30, 1863, 10.30 A.M.

I HAVE this day, the 30th of March, at 10 o'clock in the morning, received your Excellencies' letter, acquainting me that His Majesty the Tycoon would leave Yeddo for Miako on the 31st instant, that is to say, to-morrow.

I lose not one moment on my part to acquaint your Excellencies that in two or three days from this date it will be my duty to present to you a declaration of the demands which Her Britannic Majesty's Government has directed me to make to the Government of the Tycoon for outrages committed upon British subjects, and for which no redress has been obtained.

The peremptory and explicit nature of those demands will necessitate the most serious deliberation and prompt attention of the Tycoon's Government within a restricted period of time. I therefore address this despatch to your Excellencies to warn you that the serious communications which I am about so immediately to enter upon with you cannot be arrested in their course by the announcement I have at the last moment received from you of the departure of the Tycoon. The reply which will be expected to my communication above referred to, I shall await from the Yeddo Government during the period which will be assigned, and my instructions will be pursued and carried out, whatever intervening circumstances may arise.

It is equally my duty to request that the purport of my present communication be brought immediately to the knowledge of the Tycoon; and I am bound to add that whatever regrettable consequences may result from such communication being withheld,

the responsibility attending them will rest with your Excellencies and the Government of Japan.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

No. 27.

Lieutenant-Colonel Neale to Earl Russell.—(Received June 12.)

My Lord,

Yokohama, April 14, 1863.

BY my despatch of the 30th ultimo, addressed to your Lordship at the moment of closing the last mail, I had the honour to transmit a copy of a letter I had addressed to the Japanese Ministers in reply to their announcement to me of the immediate departure of the Tycoon to Miako. I have now the honour to inclose a copy of the reply which the Ministers promptly made.

The Tycoon, in fact, left Yeddo the day following, viz., the 31st ultimo, and I sent in my note on the 6th instant.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 27.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

ON receipt of your despatch of the 30th March, we have understood that you intend, within a certain time, notwithstanding the absence of His Majesty the Tycoon on a visit to Kioto, to make certain communications to us relative to the murders committed last year by our nation on the subjects of your nation, as you have received instructions from your Government to do so.

As the preparation for the journey of His Majesty the Tycoon to Kioto were completed this morning, the sedan-chair has been got in readiness, and the followers are out in array, there is no possibility our awaiting the day when you will send us the said communication.

And as regards your wish that we should send you a speedy answer to that letter, we cannot enter into any promise beforehand, as we cannot judge now of the degree of importance of those matters, and also the number of days is unknown.

We naturally always wish to settle matters as quickly as possible; but we fear we shall not be able to settle what you allude to within the time to be specified, as it will require time to send a report to His Majesty the Tycoon, wherever he may be; therefore we beg of you to bear this in mind.

To His Majesty the Tycoon we have accurately made known the contents of your despatch.

With respect and consideration.

13th day of 2nd month of 3rd year of Bung-kew (31st March, 1863).

(Signed) MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.

No. 28.

Lieutenant-Colonel Neale to Earl Russell.—(Received June 12.)

(Extract.)

Yokohama, April 14, 1863.

I HAVE the honour to lay before your Lordship a copy of the note I have presented to the Japanese Ministers for Foreign Affairs setting forth the outrages of which Her Majesty's subjects have been the victims in this country, and the reparation I have been instructed to demand from this Government, in accordance with your Lordship's instructions.

I deemed it to be advisable to accompany the foregoing with a brief supplementary despatch, a copy of which I have likewise the honour to inclose, drawing the immediate attention of the Ministers to two points referred to in my note, viz., the number of days

which I had fixed for the reply of the Japanese Government, and my suggestion that they should send an officer of rank to accompany the ships of war which would convey the separate demands I am also instructed to make to the Prince of Satsuma.

These points required a more speedy reply, as I purposed requesting Admiral Kuper to detach one or more of the ships of war assembled here with my note to Kagosima, the chief residence of the Prince, long before the period had expired for the reply of the Japanese Ministers to my note containing the demands on the Yeddo Government.

Both my notes above referred to I entrusted to Mr. Eusden, Japanese Secretary of this Legation, who proceeded to Yeddo on the 6th instant in Her Majesty's gun-boat "Havoc," and delivered them the same day into the hands of a Governor of Foreign Affairs deputed to receive them. Mr. Eusden, under my instructions, awaited two days in the "Havoc" at Yeddo an answer to my supplementary note, and returning on the 9th to Yokohama, brought to me the reply of which I have the honour to inclose herewith a translation.

After taking into anxious and serious consideration the observations which it contains respecting the difficulties and confusion which the Ministers imply would be created by sudden and separate negotiations with the Prince of Satsuma in the disturbed political condition of this country; learning also as I had in the interval that the Prince of Satsuma was not in Kagosima, or in any other part of his domains, but at Miako, whither he has gone to meet the Tycoon, and knowing, moreover, that the Admiral would prefer awaiting the arrival of the remaining ships of his squadron before detaching two, at least, of those already here to Kagosima, a distant point from this rendezvous, and the defences and navigation of which are as yet but most imperfectly known,—for all these reasons I did not feel ill-disposed to defer the expedition to the South until I could see my way more clearly, leaving, however, the Japanese Ministers in doubt as to my intentions. I decided in the meanwhile to profit by the incidental correspondence for the purpose of extracting from the Japanese Ministers some candid statement as to the period when the Tycoon and his Council would be aware of the contents of my note. I therefore addressed a letter, a copy of which I have the honour to inclose, to the Japanese Ministers in reply to their communication last referred to.

Under ordinary circumstances the Japanese Ministers would, in accordance with their habitual policy, doubtless have informed me that the translation of my note containing the demands would occupy a considerable time, and that they could not say when it might reach the Tycoon; but as I informed them that I should act in respect to the Prince of Satsuma according to the nature of their reply, they returned to me the answer, of which the inclosed is a translation, and by which your Lordship will observe that they state that the contents of my note would be brought to the knowledge of the Tycoon on the 14th or 15th instant.

Matters have thus arrived at this point. As the period for the expiration of the twenty days, viz., the 26th instant, approaches, I shall most anxiously consider the situation of affairs in concert and cordial co-operation with the Admiral.

In the meanwhile I have prepared my note addressed to the Prince, a copy of which I have the honour to inclose, although circumstances may render its forced delivery inexpedient; as, for example, the prompt offer of the Tycoon's Government to satisfy the redress and reparation made upon its quasi independent vassal.

I trust that these considerations may be deemed by your Lordship as sufficiently explanatory of the cautious course I deem it to be my duty under the circumstances to pursue, while steadily carrying out the measures I have been directed to adopt by Her Majesty's Government. I have the satisfaction, in the meanwhile, to believe that Admiral Kuper concurs with me in the views and opinions I have here had the honour to submit to your Lordship respecting the main difficulties with which we have to deal, but which, though highly embarrassing, are not insuperable.

Inclosure 1 in No. 28.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has received the explicit instructions of his Government to demand reparation from the Japanese Government for the murder and outrages committed upon British subjects on the 14th September last on the tokaido, near Kanagawa, by the retainers of the Prince of Satsuma.

The circumstances attending this unprovoked and savage assault, as related by the survivors, and as set forth by the Undersigned in his several communications, written and

verbal, with the Japanese Ministers, have never been controverted, attempted to be palliated, or denied.

The statements of indignation with which Her Majesty's Government have learnt the particulars of this outrage are expressed in the following words addressed to the Undersigned by Her Britannic Majesty's Minister for Foreign Affairs:—

"The barbarous murder of Mr. Richardson, and the murderous assault on two gentlemen and a lady who were in his company, have inspired Her Majesty's Government with great and just indignation. It was to be hoped that the instant trial and condign punishment of the murderers, together with an offer of further reparation, would have shown on the part of the Japanese Government a due sense of the magnitude of the offence which had been committed; but the letter of the Japanese Ministers of Foreign Affairs, dated the 16th of September, dispels this hope. In a tone of helplessness or evasion they say, that in the answer that Saboolo gave to their officer there is something very improper, and that they will have the whole state of the case more accurately inquired into, and inform you of the result."

"There could have been no doubt in the minds of the Ministers of Japan, that a barbarous murder had been committed—no doubt that other murders had at the same time been attempted, and the only course which a Government, sensible of its duties, and able to perform them, could have pursued, was to arrest, try, convict, and execute the murderers; but even the first step of this process does not seem to have been taken."

Such are the observations of Her Britannic Majesty's Government, which, after mature consideration of the anomalous political rule which prevails in Japan, has instructed the Undersigned to make to the Japanese Government through your Excellencies a peremptory demand for immediate and full redress for the violence and outrage committed.

The reparation which the Undersigned is thus instructed to demand for this fresh outrage will be specially set forth at the close of this note.

In the meanwhile, under instructions from his Government, the Undersigned made verbally, and in writing, a formal demand, so far back as the 4th of December, 1862, on the Japanese Ministers for redress and compensation for the previous outrage on Her Britannic Majesty's Legation on the 26th of June last, and which consisted in the payment of 10,000*l.* sterling for the benefit of the families of the two British guards murdered on that occasion at the very bedroom door of the Undersigned, Her Majesty's Chargé d'Affaires.

Nine months have now elapsed since the perpetration of that deed, and four months since the demand for compensation was communicated by the Undersigned to the Japanese Ministers; but it has been evaded, and the outrage remains still unrequited. It is now, again, peremptorily demanded.

These two flagrant acts, injurious to the dignity of the British flag, and accompanied with all the sensation and horror which they occasioned among civilized nations, have nevertheless called forth no serious offer of redress in any degree proportionate to the enormity of the crimes committed, which, moreover, carried with them in a national point of view an insult and indignity which the Japanese Government well knows Her Majesty's Government would not suffer to remain without atonement.

Whatever may be the real situation of the Government of the Tycoon in respect to its power of punishing the acts of hostile Daimios and their retainers, the Tycoon's Ministers under the circumstances referred to have betrayed a culpable apathy, disregard, and indifference in their communications with the Undersigned regarding these outrages, for which the Tycoon's Government is now most justly called upon to afford ample reparation.

Procrastination and evasion attained by lengthened arguments as to unimportant details, attempted negotiations as to the amount to be awarded as compensation, and more recently an absolute silence on the part of the Japanese Government in respect to both these unrequited grievances, has been the course pursued by your Excellencies, regardless of the friendly warnings and remonstrances of the Undersigned. Acting moreover under evil counsels, the Japanese Government has adopted a passive, reserved, and unfriendly policy with the British Representative, not only in regard to these outrages, but in all matters of interest to British subjects.

This unjustifiable course of action has been crowned with the destruction, by political incendiaries, of the new British Legation-residence at Goteng-yama.

On the other hand, the Government of Her Britannic Majesty, viewing with indulgence the obstacles and obstructions opposed to the full development of British commercial enterprise by the Japanese Government, and judging them to emanate from the great political embarrassments of this country, was the first to concede to the wishes of His Majesty the Tycoon, conveyed through his Envoys, and to consent conditionally to the postponement in the opening of the Osaka and other ports, subsequently assented to by other European

Treaty Powers, and to be assented to by the Government of the United States, only in consideration of counter-concessions which the Government of Great Britain has not sought to exact.

The Tycoon's Envoys have returned and rendered an account of their Mission to the Japanese Government in relation to the foregoing negotiations, and the Undersigned has just communicated to his Government the thanks lately expressed to him in writing by your Excellencies on behalf of the Tycoon and Government of Japan, for the attentions and cordial reception bestowed upon those Envoys by the Sovereign, Government, and people of Great Britain; a record standing in painful contrast with the unfriendly demeanour of the Japanese Ministers towards the Representatives and subjects of Her Majesty in this country.

The Undersigned, nevertheless, unhesitatingly proclaims, and challenges the Japanese Government to disprove the fact, that the subjects of no nation with which Japan is in relation have given less cause for ill-will on the part of the Japanese authorities than the authorities and subjects of the great British nation, which the Japanese Government, regardless of its duty to the interests of the Tycoon and his Dynasty, has so easily been persuaded to treat with distrust and disregard.

By a happy and rare good fortune, which could not reasonably have been expected, during the period that British subjects, of all classes, have resided in Japan, and thousands of British sailors have frequented its open ports, no noticeable instance of violence against Japanese has been complained of regarding one of them, and yet in numbers they greatly exceed all other foreign residents in Japan.

Such has been the anxious care of the British authorities to engage their countrymen to adopt the conduct of friendship and conciliation, and to accommodate themselves to the difficult situation of the Government of this country.

While the good sense and forbearance of the British residents have ensured these unprecedented and happy results, those same British subjects do not and cannot forget that few nations of the world are as powerful, and none more determined than their own, to demand and obtain reparation for unprovoked outrages committed on its subjects.

The Undersigned is bound to add that four years of intercourse between the subjects of Great Britain and Japan have proved that the Japanese people are friendly and well-disposed, having no cause arising out of habits or prejudices to entertain hostile or fanatical feelings towards foreigners. The authorities and official class of this nation, from the Ministers and Daimios to the *yaonins*, have alone evinced a culpable jealousy and distrust towards foreigners, which threaten to endanger the interests and tranquillity of the peaceful inhabitants of this country.

Notwithstanding the amicable and conciliatory dispositions of the British Government, and the corresponding conduct of the British Representatives in Japan in their relations with the Tycoon's Government, emanating from a sincere desire to avert, in the interests of peace and commerce, all cause of absolute dissension, the Japanese Government would on its part appear, under evil advice and influence, to have resolved to try the risk of withholding reparation for absolute outrages, and to brave the inevitable consequences of its unfriendly and distrustful demeanour towards the British Government and nation.

In explanation of this uncalled for and ill-advised conduct, the Undersigned is willing to hope that the Tycoon and Government of Japan are not as yet adequately aware of the power and determination of Great Britain to enforce reparation for unprovoked grievances, even in this distant and extreme region of the world.

The Undersigned, in now approaching the specific reparation which is required from the Japanese Government, and which will not be deviated from, modified, or discussed, desires solemnly and earnestly to explain and impress upon your Excellencies as responsible servants of the Tycoon, for the information of His Majesty and the Supreme Council of this Empire, that there is a serious difference between open hostilities, or in other words war, as declared between nations,—and the adoption of such enforced measures of coercion as are necessary to ensure acquiescence to moderate demands should they be indiscreetly refused or attempted to be evaded.

No loss or ruin to Japan is involved by the preliminary measures which are at present contemplated to awaken the Japanese Government to a due sense of its responsibilities, should it refuse or evade to comply with the reparation now peremptorily demanded; but a persistence in such refusal must necessarily lead to a very different and disastrous situation of affairs.

The reparation now demanded for the murders and murderous assaults committed upon British subjects has been affixed by Her Majesty's Government with a considerate regard for the difficult situation of the Japanese Government and its political embarrassment. But the penalty imposed, and the measure of compensation demanded for the

sufferers and their families, now computed in thousands, will if the Japanese Government continue to be ill-advised, inevitably expand into millions, to indemnify the costs of armaments which must be employed by Great Britain, should all serious warnings fail to ensure the redress imperatively demanded for these unprovoked and flagrant outrages.

Notwithstanding the evil designs of interested counsellors, the intelligent Ministers of the Tycoon are already aware that the sincere desire of Great Britain is to preserve peaceful relations of friendship and commerce with Japan ; but it is of vital interest to Japan that the Tycoon's Government should be guided in its councils by the knowledge that Great Britain will not tolerate even a passive defiance of its power, or refusal of its just demands.

If, however, the Ministers of the Tycoon now in office, setting aside all considerations of ordinary prudence, and devoting themselves to devices calculated to gain time, cause Japan to drift into hostilities with a great Power with which it is utterly unable to cope, upon those Ministers will fall the heavy responsibility of all the calamities which may ensue.

Having thus discharged his duty and conscience by the earnest remarks which precede, the Undersigned has the honour to state to your Excellencies that he is instructed to make the following explicit and peremptory demands upon the Japanese Government :—

First. An ample and formal apology for the offence of permitting a murderous attack on British subjects passing on a road open by Treaty to them.

Secondly. The payment of 100,000*l.* as a penalty on Japan for this offence.

The mode, manner, and form of the apology will be regulated in Conferences between the Undersigned and Commissioners appointed by the Japanese Government, as well as the mode and manner of payment of the money reparation demanded.

Twenty days from this date is assigned to the Japanese Government for its reply, which must be of a categorical character, either consenting to or rejecting the demands here made.

At the expiration of the twenty days assigned for the reply of the Japanese Government, should that reply either be a rejection or evasion, or otherwise than a positive acceptance of the reparation demanded, the British Admiral now assembled here with a considerable force will, within twenty-four hours after the receipt of such refusal of these demands, or in the event of no reply whatever being received at the expiration of that period from the Japanese Government, proceed to enter upon such measures as may be necessary to secure the reparation demanded.

The conduct of these measures will thenceforth necessarily be in the hands of the Admiral commanding-in-chief Her Majesty's naval forces.

The Undersigned for his own part is bound to remind the Japanese Ministers that upon the occurrence of the outrage on the 14th of September, in his extreme desire to leave to the Japanese Government the legitimate mode of affording redress, he exercised a discretion, since entirely approved of by Her Majesty's Government ; but which obliged him at the same time to bear the burden of much obloquy on the part of the foreign residents of Yokohama.

The Undersigned may even now apprise the Japanese Government that, so strong is his desire, while carrying out the full tenour of his instructions, to avoid the infliction of loss or suffering upon the unoffending inhabitants of Japan, that he will so express his views to the Admiral ; but resistance or attempted evasion of the operations of coercion which may be rendered necessary will evidently render all such considerations impracticable.

It becomes, therefore, the imperative duty of the Undersigned earnestly to warn the Japanese Ministers that the slightest molestation, injury, or violence attempted to be offered by the Japanese authorities, the adherents of Daimios, or others, to the persons or property of British subjects at the ports open to foreigners during the continuance of the preliminary measures, should they be rendered necessary, will alter the whole nature of the operations, and result in the immediate exercise of serious hostilities, the extent, duration, and consequences of which cannot be foreseen ; but the whole weight and responsibilities of which will rest with the Japanese Government and its advisers. The present demands of the British Government are sufficiently defined and explicit, as are also the first consequences of a refusal to accede to them.

The Undersigned having acquitted himself of his duties in thus earnestly stating and explaining to the Tycoon's Government what is peremptorily required at its hands, and the penalties which must inevitably attend a non-compliance with the same, proceeds to acquaint your Excellencies with the further measures which, under instructions from Her Majesty's Government, will be adopted to enforce a far more important portion of the reparation rendered necessary, and required for the barbarous murder of the 14th of September from the Prince of Satsuma, by whose adherents that deed was perpetrated.

The Japanese Ministers have written, and have stated to the Undersigned on various occasions, and have openly avowed to the Ministers of other foreign States that the Japanese Government could not pursue or arrest malefactors within the domains of the Daimio Prince Satzuma. This is no reason why the adherents of this Prince, who were the actual murderers, should escape condign punishment; and the British Government, taking into mature consideration the difficulties which thus obstruct the Tycoon's Government, is itself constrained to demand satisfaction and redress from the Prince of Satzuma.

A naval force will, therefore, be directed to proceed to a port appertaining to the Prince of Satzuma, where will be demanded from him:—

1. The immediate trial and capital execution, in the presence of one or more of Her Majesty's naval officers, of the chief perpetrators of the murder of Mr. Richardson, and of the murderous assault upon the lady and gentlemen who accompanied him.

2. The payment of 25,000*l.* sterling, to be distributed to the relatives of the murdered man and to those who escaped the swords of the assassins on that occasion.

In the event of the refusal, delay, or evasion of the Prince of Satzuma to carry these demands into immediate effect, such measures of coercion will immediately be adopted against him as the Admiral may judge best calculated to obtain the reparation demanded.

The Undersigned, out of courtesy and high consideration for the Tycoon's Government, makes to it the above communication regarding the course to be adopted with the Prince of Satzuma; considering also that the Government of the Tycoon may deem it expedient in the interests of Japan to advise the Prince of Satzuma to comply at once with the demands of the British Government, necessitated by the barbarous outrage committed by his retainers, at the head of whom was his father, Shimadzoo Saboolo, upon an unoffending British subject. With this object, a high officer might be despatched by the Japanese Government charged with averting the consequences of any obstinate or ill-advised conduct on the part of the Prince of Satzuma, in ignorance of the power and determination of the British nation to enforce redress for unprovoked injuries.

The Undersigned, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Yokohama, April 6, 1863.

Inclosure 2 in No. 28.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, April 6, 1863.

THE accompanying note will be delivered to your Excellencies by Mr. Eusden, Japanese Secretary of this Legation, through the Governor of Foreign Affairs whom you may appoint to receive it.

As you cannot become immediately acquainted with all its contents, it becomes urgently necessary that I should request your Excellencies' first attention to two points:—

1. That, desirous of acting with the most considerate regard for the delay attendant upon the communication you may desire to make to His Majesty the Tycoon at Kioto, and the delay likewise attendant upon translation, ample time being also allotted for mature reflection, I have announced to you that I will await for a period of twenty days from this date the reply of the Japanese Government to the communication which I now have the honour to make in the note referred to.

But I have earnestly to inform your Excellencies that the instructions which both the Admiral Commanding-in-chief and myself have received will render it impossible for us to prolong that period by a single day or hour.

2. I have suggested in my note the expediency and advantage of the Tycoon's Government charging a high officer to accompany the British ships-of-war which will convey the demands I am instructed to make from the Prince of Satzuma. To this point I have to request a speedy reply, as it is evident my communication to the Prince cannot be delayed during the above specified period of twenty days. Mr. Eusden will await at Yeddo in the vessel which conveys him during two days the decision of the Japanese Government respecting this latter point.

The ships destined to proceed to Kiusiu will then immediately leave.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 3 in No. 28.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

ON receipt of a despatch dated April 6th, with an annexed Memorandum, we have understood all you communicated in the same, and we will immediately forward a report (on the subject) to His Majesty the Tycoon.

As regards your man-of-war going to the domains of (the Prince of) Satsuma, and there entering into discussion, it is such that you, understanding the state of affairs in this Empire, it needs no further communication; therefore it is to be feared whether the said undertaking may not originate an unexpected calamity, increase confusion tenfold, and create discord amongst us; and it causes us great sorrow (to think) that this undertaking might injure (put aside) the law of our Empire, and cause many irregularities. Therefore it is desirable that the said mission of men-of-war to (the domains of the Prince of) Satsuma should be given up.

However, as the said point (in question) occupied the attention of our Government very much, we request you to leave the settlement of the same for some time in our hands. Consequently, it is impossible to accede to your request to send an officer of high rank, as mentioned in your despatch, on board the man-of-war.

We will, of course, send you the answer on this point from His Majesty the Tycoon; but in order to give you an immediate reply to your despatch, we communicate this.

With respect and consideration.

21st of 2nd month of 3rd year of Bung-kew (8th April, 1863).

(Signed)

MATSDAIRA BUZEN NO KAMI.

INOWOYAY KAWATSI NO KAMI.

Inclosure 4 in No. 28.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, April 11, 1863.

I HAVE received the reply which you have written to my supplementary note dated the 6th instant. Before I can take into consideration the observations you therein make respecting the naval expedition which, I have announced to you, will proceed to present the demands I am instructed to make upon the Prince of Satsuma, I have to request you to inform me with the least possible delay how soon my detailed note addressed to your Excellencies, and dated the 6th instant, will be laid before His Majesty the Tycoon and Council.

According to the delay or promptness with which His Majesty and Council will be made aware of that serious communication (which contains also the demands which I am instructed to make upon the Prince of Satsuma) my further immediate action will be guided.

An urgent communication.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 5 in No. 28.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

ON receipt of a despatch dated 11th April, we have understood that you wish to know when the contents of the document annexed to your despatch of the 6th April, lately sent to us, will be sent and laid before His Majesty the Tycoon and our colleagues. The said document was already despatched on the 22nd instant (April 9th) by a special courier, after having been translated; and we consequently presume that if there is no difficulty in crossing the rivers owing to the heavy rains, that despatch will reach its destination to-day, 25th (12th April) or to-morrow, 26th (13th April). In the meanwhile we beg you to bear in mind that we will send you an answer as soon as we receive their reply. But in order to send you an immediate answer, we send you this beforehand.

25th of 2nd month of 3rd year of Bung-kew (April 12, 1863).

(Signed)

MATSDAIRA BUZEN NO KAMI.

INOWOYAY KAWATSI NO KAMI.

Inclosure 6 in No. 28.

Lieutenant-Colonel Neale to the Prince of Satsuma.

Your Highness,

Yokohama, April 9, 1863.

IT is well known to you that a barbarous murder of an unarmed and unoffending British subject and merchant was perpetrated on the 14th of the month of September last, the 21st day of the 8th month of the 2nd year of Bung-kew of Japanese reckoning, upon the tokaido near Kanagawa by persons attending the procession and surrounding the norimon of Shimadzoo Saboolo, who, I am informed, is the father of your Highness.

It is equally known to you that a murderous assault was made at the same time, by the same retinue, upon a lady and two other gentlemen, British subjects, by whom he was accompanied; the two gentlemen having been severely and seriously wounded, and the lady escaping by a miracle.

The names of the British subjects here referred to are as follows: Charles Lenox Richardson, murdered; Mrs. Borradaile; Mr. Woodthorp Clarke, severely wounded; Mr. William Marshall, severely wounded.

This event filled with great and just indignation the British Government and people, and excited the sympathy of, and produced a painful impression upon, all civilized countries.

Impressed with friendly and considerate feelings towards the Government of the Tycoon, with whom the Queen of Great Britain, my august Sovereign, is in relations by Treaty of Peace and Amity, I acted with proper consideration for the Tycoon's Government by leaving in its hands the legitimate means of speedily arresting and bringing to capital punishment the murderer from among Shimadzoo Saboolo's retinue.

This necessary forbearance on my part has been entirely approved by my Government, and appreciated and acknowledged by the Government of the Tycoon.

A different course proposed at the moment to be adopted in the excitement attending this barbarous outrage might have resulted in the capture, and perhaps death by summary retribution, of Shimadzoo Saboolo himself.

Six months have now elapsed since the perpetration of this unprovoked outrage, during which period my Government has been duly informed by me of the circumstances attending it: while the Tycoon's Ministers have held out to me from time to time assurances and hopes that the murderers would be given up by your Highness, according to the Tycoon's desire, and sent to Yeddo for trial and execution.

But I have had occasion to report to my Government that, removed in your distant domains from the direct influence of the Supreme Government, and shielded also by certain privileges and immunities which belong to Daimios of this Empire, you had utterly disregarded all orders or decrees of the Japanese Government calling upon you to afford justice by sending the real criminals to Yeddo. They have not been arrested or sent, and no redress has consequently been afforded by the Tycoon's Government, however desirous it may be of doing so.

In the meanwhile I have received the explicit instructions of my own Government how to act in this matter.

The Tycoon's Government may be impeded by the laws of the country, and more especially by political embarrassments, from enforcing its desires upon Daimios of the Empire in regard to criminal acts committed by their adherents. But when British subjects are the victims of those acts, Japan, as a nation, must, through its Government, pay a penalty and disavow the misdeeds of its subjects to whatever rank they may belong.

Under instructions from my Government I am now about peremptorily to demand from the Tycoon's Government an apology, and the payment of a considerable penalty, for permitting the murderous attack made by your retainers on British subjects passing on a road open to them by Treaty.

But the British Government has also decided that those circumstances constitute no reason why the real delinquents and actual murderers should be shielded by your Highness, or by any means escape the condign punishment which they merit, and which they would be subjected to for great crimes such as they have committed in all other parts of the world.

It has therefore been determined by my Government, and I am instructed to demand of your Highness as follows:—

First. The immediate trial and capital execution, in the presence of one or more of Her Majesty's naval officers, of the chief perpetrators of the murder of Mr. Richardson and of the murderous assault upon the lady and the gentlemen who accompanied him.

Secondly. The payment of 25,000*l.* sterling, to be distributed to the relations of the murdered man and to those who escaped with their lives the swords of the assassins on that occasion.

These demands are required by Her Majesty's Government to be acceded to by your Highness immediately upon their being made known to you. And upon your refusing, or neglecting or evading to do so, the Admiral commanding the British forces in these seas will adopt such coercive measures, increasing in their severity, as he may deem expedient to obtain the required satisfaction and redress.

The Commander of Her Majesty's ship of war charged with the delivery of this letter is made acquainted with the specific demands which I have the honour to communicate to you in this letter; and according as they are accepted or refused he has received instructions either to carry out and witness their execution within a period of days which will be named, or in the event of a refusal to commence at once coercive operations pending the arrival of additional forces.

Your Highness is therefore earnestly requested seriously to consider the course you will adopt upon receipt of this communication, the terms of which it is not in my power to modify, alter, or discuss.

I avail, &c.
(Signed) EDWD. ST. JOHN NEALE.

No. 29.

Lieutenant-Colonel Neale to Earl Russell:—(Received June 12.)

My Lord,

Yokohama, April 14, 1863.

I HAVE the honour to inclose, for the information of your Lordship, copies of two despatches which I have addressed to Rear-Admiral Kuper, covering copies of the notes I had presented to the Japanese Ministers.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 29.

Lieutenant-Colonel Neale to Rear-Admiral Kuper.

(Extract.)

Yokohama, April 8, 1863.

I DEEM it to be essential, and I have the honour herewith to inclose for your information a copy of a note I have addressed to the Japanese Ministers for Foreign Affairs,* comprising the demands I have been instructed to make as reparation for the murders and outrages of which British subjects have of late been the victims in this country.

Your presence here with a portion of the fleet under your command has enabled me to adopt this first step towards carrying out the instructions which I have received connected with this subject, and with which you are acquainted, and has enabled me also to affix the number of days which, after the advantage of consulting with you, and under all the circumstances, it is most desirable to await the reply of the Japanese Government.

At the expiration of that period I shall have the honour to communicate to you the nature of the reply I may have received, and the prospect which may exist, or otherwise, of any satisfactory settlement of the differences at issue.

Inclosure 2 in No. 29.

Lieutenant-Colonel Neale to Rear-Admiral Kuper.

Sir,

Yokohama, April 9, 1863.

I BEG to transmit herewith for your information a copy of a letter addressed to the Prince of Satsuma, the original of which, accompanied with a Dutch translation, I shall, upon the return of the "Havoc" from Yeddo, have the honour to request you to cause to be transmitted by a ship of war to the Prince at Kagosima, in the Island of Kiusiu.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

* Inclosure 1 in No. 28.

No. 30.

Lieutenant-Colonel Neale to Earl Russell.—(Received June 12.)

My Lord,

Yokohama, April 14, 1863.

I HAVE the honour to inclose for your Lordship's information a copy of a highly interesting despatch I have received from Mr. Acting Consul Ensle. The translation of the letter incorporated in this despatch, and purporting to be addressed by certain Daimios of the Empire to the Tycoon, is, I think, important as disclosing the spirit and genius which pervades the Feudal Chieftains of this country, and the difficulties which must thus encircle the Tycoon's Government in its relations with foreigners.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure in No. 30.

Acting Consul Ensle to Lieutenant-Colonel Neale.

Sir,

Hakodadi, March 9, 1863.

I HAVE the honour to forward to you the last fortnight's news from the south, and at the same time inclose translations of certain authentic documents which I have been fortunate enough to obtain.

You are already aware that the Yeddo Government has issued several proclamations to the Daimios, tending to explain the cause and object of the changes made in the various Government Departments and in the intercourse with the Daimios. The Daimios of the Opposition party were, however, not satisfied with these declarations, and have sent the following answer to Yeddo. This document is signed by the eleven Daimios of Satsuma (Matsdaira Satsuma no Kami), Daimio of Mito (Mito Tjcoonagoon Suma); Daimio of Saga (Matsdaira Figen no Kami); Daimio of Foosokawa (Jitshoo no Kami); Daimio of Awa (Matsdaira Awa no Kami); Daimio of Aidsu (Matsdaira Figo no Kami); Daimio of Mori (Daigenno dai ioo); Daimio of Kooroda; Daimio of Aki (Matsdaira aki no Kami); Daimio of Jiono matja iama (Date Totonomi no Kami); Daimio of Wakasa (Saka Wakasa no Kami), and has created considerable excitement among the friends of Government:—

“We have to express our thanks for several acts lately passed by you, and for your plans for the future.

“You felt the necessity of exonerating the Daimios from the troublesome and expensive journeyings to Yeddo; unfortunately the changes made by you are very imperfect, although you gave us excellent reasons which ought to have induced you to effect a complete change instead of adopting semi-measures.

“If we must economize in order to fortify and prepare Japan to defend itself and dictate its laws to foreigners, we imagine that more money would be saved and our object more speedily attained if we were completely exonerated from the journey to Yeddo. You informed a Daimio who made this observation to you that the relations between the lords of Japan and the Chief of the Government could not be completely closed. But these relations might be kept up by deputies sent to you by the Daimios: these deputies would communicate our ideas to you. As you say you feel the necessity of resisting the encroachments of foreigners we hope you will make radical changes.

“We have to thank you, secondly, for the just punishment inflicted upon the Daimios and other members of Government who have behaved so cowardly in their intercourse with foreigners. The punishment is very light when compared with the crime, but we hope it will be a salutary warning. We, however, regret to say that those who profited by these punishments are unworthy of the confidence you place in them.

“You also speak to us for the first time about some persons you have sent to the foreign nations. We do not approve of this mark of respect shown to people who might misinterpret your intentions and imagine that you endeavour to obtain the object in view by entreaty. It is an undeniable fact that the barbarians have gladly consented to your proposition never to open the ports which have not yet been opened, and to restrict their liberty and privileges in the ports already opened; they felt too delighted and too much honoured in receiving Japanese, who although not high-born, are respectable persons, and who must have given a lesson in politeness and diplomacy to these nations who are not yet formed (‘imada fhirakadz aroo kooni’). We ought not, however, to humble ourselves so much. You appear to be very satisfied and astonished at the result. This is because you unfortunately allow yourself to be fascinated by the high-sounding expressions used by the foreign ‘Yakoonins’ at Yokohama, called ‘Ministeroos,’ although it is now fully proved that they only wish to amuse themselves and frighten you. Besides

this they are the first to tremble, and when you address them as a superior ought to speak to an inferior (*lit.*, 'a smaller person') they become very humble. It is also an undeniable fact that the Ministeroos have been severely reprimanded by their respective Governments, and that the latter have endeavoured to palliate the bad conduct of their Representatives by the extremely friendly and attentive manner in which they received the persons sent by you. These apologies ought to have been made by the Ministers; two of them have already been punished by their Sovereigns and are now in disgrace. We are surprised that notwithstanding all these proofs you do not comprehend, as we do, that you represent the Great Nippon.

"You ask us whether we demand the total expulsion of foreigners. No; this is not exactly what we wish; at least we only want this expulsion on certain conditions. Allow us to explain our wishes. It has been justly affirmed that the Treaty of Commerce was granted to the Tehitsroa (English, French, Russians, and Americans) and the Dutch, as a great favour, and after repeated and humble demands, and therefore bore no resemblance to a legal contract. Instead of enjoying this privilege as a favour, they wish to assert that it is their legal right; the majesty and dignity of our country cannot endure such audacious conduct. They must be allowed, as in former times, to gain money without defrauding our nation. We do not understand the necessity of all these foreign 'Yakoonins;' the only person required is a chief of the factory or of the merchants, who would have to learn our rules and regulations of commerce; this would save you a great deal of trouble.

"You say that they do not see matters in the light we do; all we have to do, if this is the case, is to withdraw the privileges we have granted to them. It is a law that everybody who abuses a favour loses it *ipso facto*.

"Part of your proclamation is incomprehensible. You say, 'In fifteen years everything will be ready!' What do you mean by this? Do you wish to affirm that Japan will be great and powerful then, and able to resist the encroachments of the barbarians; or do you wish to say you will then be able to expel them? In the first place you own that Japan is weak; this is a disgrace for the country: in the second you appear to be willing to submit to insults during fifteen years. You therefore are wrong in both cases. Why not say with us, Japan is ready, and has ever been ready? What is the difference between to-day and 250 years ago? Had not the foreigners large vessels then as now? Had they not artillery and large armies? Did they not know the tactics of war? Had they not large kingdoms? The only difference is, that their vessels were then propelled by sails; now, however, they use steam. So much the better; they will leave quicker. Every Japanese sighs when he thinks of the glorious past, and looks at the present. Remember how the barbarians respected the majesty and power of Nippon. They respected our slightest wishes; Japan was delivered from their presence. One single nation left hostages in Japan as a proof of the good faith of the others. This was, however, a great mistake, as their presence in Japan excited the cupidity and envy of the other nations."

"It is very difficult for us to understand you when you say the world has changed, and that it is difficult for a nation to seclude itself. You therefore suppose that other nations are like Japan and China! You say the world has changed! Do you wish to repeat what an insane member of the Gorogio said, when he insinuated that we ought to adopt the customs, arts, and sciences of the foreigners! What science? To exchange a precious stone for a tile. As you say that the Tehitsroa have arts and sciences, it will be very easy to satisfy their wishes, as we only demand that the foreigners shall first be punished, and then subjected to the old regulations of Nagasaki. Many of you would regret to see the commercial intercourse draw to a close, as you pretend that some useful articles would be inaccessible, particularly guns, which you say must make Japan more powerful than all the other nations. We have, however, refuted these objections by saying—

"1. Japan has been deprived of these articles during many thousand years.

"2. That it would be very easy to send our vessels to China, in order to buy them from the miserly foreign merchants who bring them hither; they would be delighted to sell them to us, even after having been punished and sent out of our country.

"We regret to see that for some time past you have been making references to the customs and governance of foreign nations, and you frequently speak directly and indirectly about imitating foreign nations, and concentrating the Government offices. In making such insinuations you expose yourself to severe criticism, and excite distrust among your most faithful and devoted partisans. Is there any authority among foreigners worthy of bearing the name of power? Have they a Mikado who is the grandson of the Kamis? Are not all our high families of celestial origin? It is absurd to wish to unite

every power in one person ; you might with equal justice say, let us have one farmer, one merchant, and one labourer ! You are better aware than we are that power proceeds from the Tenshi (Mikado), who has distributed it among the great families of Japan. This is a divine order established by the Kamis, and he who wishes to change it pretended to be wiser than the heavens.

"If you, however, absolutely wish to imitate foreigners, you must consult with our Sovereign, who is above everybody, and the supreme chief, as is also the case with foreign nations. As he has confided the government to your care, and has instructed you to decide matters of general interest, you must use your power prudently ; if the honour and safety of Japan is endangered, you alone cannot decide upon the measures which are to be adopted. If, for instance, a fire breaks out, it is useless for you to order the owners of houses which are in danger to protect houses which are safe, because the proprietor will endeavour to save the house which is liable to be destroyed by the flames.

"You appeared to understand this a few months ago ; you then decided to accept the Mikado's invitation ; now, however, you hesitate, and postpone your journey. It is difficult to understand why you hesitate. Is it because some Daimios have expressed their intention of going to Kioto ? It is, however, quite natural that all the Daimios should be convoked to Kioto, and several Daimios have probably manifested their intention of going to Kioto during your residence there, in order to suggest this plan to you.

"As regards the advice you give us about the purchase of foreign vessels, we fully believe this is dangerous for the country. A naval force is useless if it does not move about, if the vessels do not visit distant countries, and if the sailors do not exercise themselves. In order to have a navy, intercourse must be kept up with other nations, and we wish to abolish this intercourse.

"Unfortunately, a great error in the foundation of all your arguments upon this subject is, Japan is not yet ready. Several Daimios have recently requested you to 'place the foreign question in their hands' ('I kokoono guva ware waren makasoo beshee').

I have, &c.

(Signed) JAMES J. ENSLIE.

P.S.—You have probably been informed that the Yeddo Government has issued an order that all the public granaries must be filled with hulled rice, instead of rice in a raw state. Such an order is only issued in case of great emergency, or when war is expected.

J. J. E.

No. 31.

Lieutenant-Colonel Neale to Earl Russell.—(Received June 12.)

(Extract.)

Yokohama, April 14, 1863.

I AVAIL myself of the occasion to report to your Lordship that both M. de Bellecourt, my French colleague, and Captain Massot, of the French Imperial corvette "Duplex," on station here, have formally acquainted both the Admiral and myself that the instructions they had received were to the effect that they should adapt their course of action in Japan under the present circumstances in perfect accord with the policy pursued by Her Majesty's Government.

I have the satisfaction to add that the French Admiral in his flag-ship and one or two other vessels are daily expected here. The support which we shall derive from this moral, if not material, co-operation, especially in regard to the safeguard which may be extended to foreign residents, and the impressions it should produce upon Japanese counsels, are sufficiently obvious.

No. 32.

Lieutenant-Colonel Neale to Earl Russell.—(Received June 12.)

My Lord,

Yokohama, April 14, 1863.

I HAVE the honour to inclose a copy of a letter which I have received from the Japanese Ministers respecting the destruction by fire of the building which had been destined to be the future British Legation residence at Yeddo.

I have only to observe, in respect to this communication, that the Japanese Ministers evidently endeavour to conceal the fact of this act having been perpetrated by political incendiaries, and in all probability also with the connivance of the Japanese Government itself.

In connection with this subject a rumour even prevails that several of the Daimios who most actively opposed the establishment of foreign Legations at Gotengyama actually paid to the Japanese Government the amount expended upon the British Legation building, and which is stated to have amounted to 40,000 dollars (about 8,000*l.*), and upon which the Government assented to its destruction.

There is one point, however, in the Japanese Ministers' communication which I deem it right to correct. In saying that I had consented to the construction of a fresh building on another spot, and for which they thank me, the Ministers, designedly or otherwise, make a wrong statement. I have distinctly declined to consent to any new arrangement, leaving Sir Rutherford Alcock when he arrives free to enter upon this subject in the manner which he may deem most expedient.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 32.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

HEREWITH we make the following communication.

When the British Legation at Goteng-yama was almost completed, it unexpectedly caught fire, and was burned down to the ground, as you were lately informed. This caused us great sorrow, and we sympathize with you.

For our Government it is likewise a great pity, not only that such a large sum of money has been lost, but also that all the trouble in erecting (the building) has thus suddenly proved to have been fruitless.

Although the name and the whereabouts of the criminal are unknown, the consequences of his stealing into the compound towards daybreak on the 13th (February 1) are made known in the inclosed document.

Most probably this event must be ascribed to the envy of those persons who were displeased that the foreign Legations were to be erected on the place of recreation to which the name of Goteng-yama had been given, as you are well aware of.

Thus it is very doubtful whether one will be able to ensure safety there, if the building were to be erected on the same spot.

We therefore proposed to you through Maba Iniobu-shōo-yu to stop the work of the present Legations, and to enter into negotiations for another spot. And you have agreed to this, taking into consideration the present state of affairs in Japan, for which we are much obliged.

We also communicate that the French and the American Ministers have consented to this.

With respect and consideration.

25th of 12th month of 3rd year of Bung-kew (February 13, 1863).

(Signed) MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.

Inclosure 2 in No. 32.

Communication of the Officials in charge of the new Legation at Goteng-yama, when it was destroyed by fire.

(Translation.)

THIS morning in the middle of Oshe (about 2 o'clock in the night), we went the rounds, but saw nothing suspicious. After our return the Legation began to burn, it having the appearance as if it had been set fire to with powder, and the eastern side likewise began to burn.

Whilst it was immediately being made known at the temporary office, the Legation was in one blaze of fire.

At the same time shots were heard outside the gate to the southward.

Although we at once sent in every direction, no suspicious persons were found.

But one of the posts of the wooden fence near the drawbridge was cut through, and the articles as mentioned in the inclosed paper were left there.

We send in this communication.

13th of 12th month (February 1).

One saw, one bag containing six candles, one match 3 feet 7 inches long, one pair of sandals, one pair of wooden clogs, four lucifers, and two flints. Two packets of powder were left under the stable near the Great Gate.

No. 33.

Lieutenant-Colonel Neale to Earl Russell.—(Received June 26.)

My Lord,

Yokohama, April 29, 1863.

I HAVE the honour to report to your Lordship the arrival in this port from Shanghai, on the 26th instant, of Rear-Admiral Jaures, in His Imperial Majesty's ship "Semiramis."

I had the honour to pay my respects to the Admiral, when he most cordially and unreservedly stated to me the entire sympathy entertained by His Imperial Majesty's Government with the justice of the cause on which our demands upon the Japanese Government for reparation are based.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

No. 34.

Lieutenant-Colonel Neale to Earl Russell.—(Received June 26.)

(Extract.)

Yokohama, April 30, 1863.

THE Ministers left at Yeddo have, as it would appear, under instructions from the Tycoon himself, evinced some indications of appreciating the serious situation of affairs.

These Ministers, invested with no power during the absence of the Tycoon and principal members of his Council, in respect at least to the difference pending with Her Majesty's Government, or from other causes, had preserved during the interval after the reception of my note a profound silence, which I had feared would have been continued to the end, and the contingency of a resort to coercive measures appeared likely to become a reality.

In this situation of affairs my colleague of the United States called upon me on the 21st instant, and in a lengthened conversation informed me that immediately after the receipt of a communication which had reached Yeddo from the Tycoon's Ministers, written on their journey to Miako, some of the Governors for Foreign Affairs had come to him, and although confined to his bed by sickness, had earnestly urged him to see me at Yokohama, and to induce me to accede to the request which was about to be made to me for an extension of the term accorded.

Mr. Pruyn left me to return to Yeddo with the final declaration on my part that I could form no conception what might be my decision until I had received and maturely considered the letter which he had informed me I was about to receive from the Japanese Government.

The same evening I received the letter referred to from the Japanese Ministers, a copy of which in translation I have the honour to inclose.

Takemoto Kai no Kami, the Envoy charged with the delivery of the letter, addressed himself in the meanwhile to my colleague of France, M. Duchesne de Bellecourt, soliciting in the name of the Japanese Government his good offices in supporting the application they had addressed to me for an extension of thirty days to the period already assigned.

The next stage in these proceedings was the arrival from Yeddo, on the 24th instant, of Arima Tootomi no Kami, Vice-Minister of the Second Council, who sought an interview directly with myself. He reiterated the same request that the term should be extended to thirty days beyond the period originally fixed; and, in a long sitting of several hours, made no statement worthy of record beyond that of the impossibility of the Ministers left at Yeddo giving any reply to my note preferring the demands until the Tycoon returned to Yeddo, and that he was expected to do so in thirty days.

I had in the meanwhile, after the most anxious consultation with Admiral Kuper, come to the decision that it was advisable and expedient to prolong the term I had originally fixed, by fifteen days, and the draft of my reply was so prepared. I therefore caused it to be translated to the Vice-Minister, who, after some further conversation, left me to return to Yeddo, and my despatch (a copy of which I have the honour to inclose) followed him to the Ministers.

This was succeeded by a brief note, a copy of which is likewise annexed, which I addressed to the Ministers in consequence of my having been informed that the Vice-

Minister, Arima Tootomi no Kami, had spoken of his intention to return to Yokohama for the purpose of obtaining my final decision.

I now proceed to submit to your Lordship the various considerations by which I was guided in granting an extension of the term I had originally fixed.

First, the paramount principle of action which I have traced for myself in the conduct of the present differences is to endeavour to attain, by every possible means, the reparation I have been instructed to demand, without an appeal to coercive measures so long as a reasonable chance existed of my doing so within a moderate period.

Secondly, the absence of the Tycoon and his principal Ministers at Miako and the stress laid upon the alleged necessity of their deliberating in Council upon the matter at issue, together with the want of all discretionary power of action on the part of the Acting Ministers for Foreign Affairs at Yeddo, were unexpected contingencies, the consideration of which could not be altogether rejected.

It thus appeared reasonable that sufficient time should be afforded to the Ministers at Yeddo, in order that they might be invested with instructions from the Tycoon beyond the mere command that they should apply for a delay until he returned to Yeddo.

But it is a grave and important fact that the demands for reparation at this conjuncture, preferred by Her Majesty's Government, form but an incident in the revolutionary crisis through which this country is passing. The agitating question which is at this moment engaging the struggle between contending parties at Miako is, whether foreigners in general shall be suffered, under any conditions whatever, to remain in Japan; and at the hour at which I write reports prevail that the Tycoon, overpowered by the Mikado and the more powerful Daimios, has been compelled to renounce his foreign policy, and that by this recantation he has saved his own life, while some of the more powerful Daimios have undertaken to urge a war of expulsion or extermination against foreigners.

Such, my Lord, at the departure of this mail is the situation of affairs so far as they can be penetrated through the darkness and confusion which pervades passing events at this moment in Japan. For my own part, invested as I find myself with an overpowering responsibility, whatever unexpected emergencies may spring up around me, my action shall be tempered by what I conceive to be the course most conducive to avert a total rupture in our relations with this country, if such be possibly consistent with our national honour and dignity.

Inclosure 1 in No. 34.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

After the translation of your despatch dated April 6, 1863, we sent it by an express courier to our colleagues, who were in attendance on His Majesty the Tycoon on his journey, as we lately communicated to you. They then immediately laid it before His Majesty the Tycoon, and have sent us a written reply, which we have just received.

It is a law of our Empire that (matters of importance) must first be discussed at a conference of the Tycoon's Guardian the Regent, and the Council of State, and then a decision is taken, and that it is not to be settled any other way; besides, it is very inconvenient to take any decision, owing to the residence elsewhere on the journey. But in order not to lose too much time, and to facilitate our doing in a proper manner what you have communicated, (it is desirable) the number of days should be diminished (increased?) from what was originally proposed, and if from this date thirty days (were allowed to) elapse the Tycoon would be back in his castle. It has subsequently been communicated to us that His Majesty the Tycoon undoubtedly believes that such an unavoidable delay of days will be acceptable to the British Government, which proposition we now make to you, and we request most earnestly that you will accede to it.

With respect and consideration.

4th of 3rd month of 3rd year of Bung-kew (21st April, 1863).

(Signed)

MATSDAIRA BUZEN NO KAMI.

INOWOYAY KAWATSI NO KAMI.

Inclosure 2 in No. 34.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, April 24, 1863.

I HAVE received the communication, dated the 21st instant, made to me by your Excellencies under direction of the Tycoon's Ministers, asking for an extension of the

term accorded for the definite reply of the Japanese Government to the demands which the British Government has made upon it.

You state you have been instructed to ask for an additional term of thirty days, dating from the 22nd instant.

The Tycoon's Government, acting with its usual regrettable want of frankness and confidence, has afforded me no real or sufficient reasons for this demand; nor has your Envoy Takemoto afforded any better reasons to the Minister Plenipotentiary of France, to whom he has addressed himself to intercede and exercise his just influence with me to obtain this extension of the term.

In so serious a crisis, of which His Majesty the Tycoon was fully aware even before his departure from Yeddo, no Government has been left at Yeddo invested with powers even to offer guarantees or interchange assurances which might become imperatively necessary.

No guarantee exists that His Majesty the Tycoon will not defer his return to Yeddo for five months, the period originally fixed, and even when that event takes place, your Excellencies and your Envoy Takemoto speak of arrangements and discussion being entered upon respecting the categorical and unchangeable demands made after all discussions had failed, and all reparation had been withheld during many months.

Your Excellencies' instructions have for their evident object to gain time by any excuses or arguments which may present themselves. It is my duty, on the other hand, to see that the demands made by Her Britannic Majesty's Government are not trifled with.

The circumstance of the absence of His Majesty the Tycoon from Yeddo, and the fact of his Ministers not having assembled round His Majesty at Miako till the 20th instant, may engage the consideration of Her Majesty's Government when I report these facts; but I reject as utterly unacceptable your reasons for delay until the return of His Majesty to Yeddo.

To remove every shadow of doubt of my desire not to precipitate a crisis in presence of an accidental obstacle, such as your being invested with no powers to furnish me with a reply to my note of the 6th instant at the expiration of the term allotted, I now inform your Excellencies of the decision to which I have come after anxious consideration. It is as follows: Before engaging the Admiral commanding Her Majesty's naval forces in these seas, and now with a squadron at Yokohama, to defer the adoption of coercive measures after the 26th instant, in consequence of the non-settlement of the demands, I will now, in consequence of your strong appeal in writing to myself, and indirectly to my colleague the Minister of France, await the time absolutely required once more to communicate with, and receive an answer from, the Tycoon's Ministers at Miako.

I assign an ample period for the accomplishment of this purpose by according fifteen days, dating from the 27th instant inclusive, whether your communication takes place by land or by sea.

But I beg you seriously to observe that the reply which I require to enable me to withhold immediate measures of coercion at the expiration of the new term must be of a character to remove all doubt as to the assent of the Tycoon's Government to the demands made upon it.

No further arguments for delay can be received by me. The Tycoon's Government will be considered as having refused the demands, and coercive measures will be entered upon.

If at such a moment the Ministers at Yeddo are still invested with no powers of meeting so critical a contingency beyond those of seeking for further delay, the Tycoon's Government is alone responsible for the consequences attending such a situation of affairs.

It is not the intention to molest the peaceable Japanese inhabitants on shore at Yokohama, or at the other ports open to foreign trade in Japan, unless danger is threatened to them; but the British fleet will at once appear in other parts of Japan, where its presence may be less agreeable to the interests of the Tycoon and his Government.

The demands to be made upon the Prince of Satsuma are apart from those to which this despatch relates. I reserve to myself the intention to carry into effect that portion of my instructions at any moment at which it may be convenient to do so, unless in the meantime the Tycoon's Government itself satisfies those demands, the nature of which has been made known to it.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 3 in No. 34.

*Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.**Yokohama, April 25, 1863.*

HAVING understood from my colleague the Minister of France that Arima Tōtomi no Kami had observed to him that as I had not given a definite answer to your Excellencies' letter of the 21st instant, he should return to Yokohama to discuss further upon the subject, I consider it extremely important that your Excellencies should understand that my letter addressed to you and dated yesterday did contain my definite answer.

An urgent communication.

(Signed)

EDWD. ST. JOHN NEALE.

No. 35.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, June 26, 1863.

YOUR despatches to that dated the 30th of April have been received and laid before the Queen.

With reference to your despatch of that date, I have to state to you that Her Majesty's Government approve of your having granted the Japanese Government a further period of fifteen days within which to comply with the demands of Her Majesty's Government.

I am, &c.

(Signed)

RUSSELL.

No. 36.

Lieutenant-Colonel Neale to Earl Russell.—(Received July 16.)

(Extract.)

Yokohama, May 11, 1863.

MY despatch of the 30th April will have apprised your Lordship of the circumstances under which I had extended the term allotted to the Japanese Ministers for their definite reply to the demands for reparation which I had preferred.

On the 1st instant I received a further despatch from the Japanese Ministers, the chief purport of which was again to solicit that the term should be extended to thirty days. I have the honour to inclose a copy of their despatch.

In this situation I sought occasion to meet and confer with Admiral Kuper, and with my colleague of France, and with the French Admiral, respecting the general condition of affairs.

I have already had the honour to report to your Lordship the unreserved and cordial manner in which the French Representatives had espoused our cause.

On the 3rd instant two Envoys, Takemoto Kai no Kami and Takemoto Hayato no Kami, came down from Yeddo, and announced their anxious desire to hold an interview with us.

On the 4th and 5th instant, long and protracted interviews took place.

The general result of these conferences was the further fresh accordance of a term of seventeen days dating from the 6th instant.

On the 9th instant I received a communication from the Japanese Ministers, of which I have the honour to inclose a copy, informing me that His Majesty the Tycoon would leave Miako on the 8th instant, and that he would reach Yeddo on the 24th instant. Considering, therefore, that the day named for the Tycoon's return immediately followed that which had been fixed for the definite reply of the Tycoon's Government to the proposals we had communicated, my colleague of France entirely concurred with me in the expediency of replying in an assuring spirit to the Japanese Ministers, and we accordingly wrote to them in identical terms, stating that coercive measures would not be precipitated if indeed it should turn out to be a fact that the Tycoon was about to re-enter his capital.

I have the honour to inclose a copy of my note in reply.

Inclosure 1 in No. 36.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have to express to you our heartfelt thanks on the receipt of a letter dated April 24th, in reply to ours of the 4th day of our 3rd month (April 21), for kindly acceding to our request to put off the day for a definite answer, and that you have postponed it for fifteen days, to commence from the 27th instant, having taken into consideration the peculiar circumstances we are placed in. We immediately made it known (by courier) to His Majesty the Tycoon, because we wish, as much as possible, to give the definite answer within the time specified.

But although you have stated in your letter dated 25th April, that the letter of the 24th is your last and definite answer, yet the postponement we requested is the time we asked for, and this is no longer to be obtained, and yet it is very desirable that it should be granted; therefore we request you once more to take it into mature consideration.

With esteem and respect.

13th of 3rd month of 3rd year of Bung-kew (April 30, 1863).

(Signed)

MATSDAIRA BUZEN NO KAMI.

INOWOYAY KAWATSI NO KAMI.

Inclosure 2 in No. 36.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

We have been informed that His Majesty the Tycoon intends to leave Miako on the 21st instant (May 8th), and if unfavourable weather and the swelling of the rivers do not impede his continuing his journey, he will return to the Castle here on the 7th of the 4th month (May 24th). However, as soon as we learn that His Majesty has left on the said day, we will let you know. In order that you may be acquainted with the above as soon as possible we send you this beforehand.

With respect and consideration.

22nd of 3rd month of 3rd year of Bung-kew (May 9th).

(Signed)

MATSDAIRA BUZEN NO KAMI.

INOWOYAY KAWATSI NO KAMI.

Inclosure 3 in No. 36.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, May 11, 1863.

I HAVE had the honour to receive your Excellencies' letter dated the 9th instant, informing me that His Majesty the Tycoon was expected to leave Miako on the 8th, and to arrived in Yeddo on the 24th instant, and I am rejoiced to receive this communication.

Considering, however, that the delay fixed at the last interview with Takemoto Kai no Kami expires on the 23rd instant, it is very desirable that your Excellencies keep me from time to time exactly informed of the progress of the Tycoon's journey; for should His Majesty indeed, on that day, be within one day's reach of Yeddo, your Excellencies will not find on my part, nor on the part of my colleague the Minister of France, any difficulty in awaiting the time necessary for the arrival and establishment of His Majesty in his capital.

On the other hand, my colleague of France and myself cannot too strongly state to your Excellencies that we distinctly expect that the engagements made with us by Takemoto Kai no Kami in respect to restoring calm and order at Yokohama, and in furnishing supplies for the inhabitants and the fleet, be strictly maintained.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

Lieutenant-Colonel Neale to Earl Russell.—(Received July 16.)

(Extract.)

Yokohama, May 12, 1863.

THE Tycoon's Government has long struggled to present to foreign Representatives a semblance of absolute power and authority, occasionally referring to the obstacles opposed to it by the undefined supremacy of the Mikado, and by the real and powerful influence of hostile Daimios. Serious and threatening political contentions have already arisen out of these causes. The Treaties concluded with foreign States, and the presence and unrestricted commercial operations of foreign merchants, especially at Yokohama, have furnished matter for their recriminations. The Tycoon and his Government have been in this contest on the defensive, for it was they who entered into the bond of relationship with the Western States, no matter under what influences. The Tycoon's Government has not disavowed the engagements into which it has entered by Treaties; but it has endeavoured to abate the resentment of the hostile party by cultivating no friendly relations with foreign States, especially with the Representatives of Great Britain and France, nations which they have soon apprehended were likely and able, on all occasions, to vindicate their rights. Hence a seeming preference to other States, which to them appeared otherwise situated.

Murders and outrages, of which British subjects have been more frequently the victims, intermingled with alarming rumours of attacks upon the foreign settlements—a belief in which was encouraged by the Government—has filled up the interval of the temporizing policy of the Tycoon's Government; while trade has flourished, despite of political intrigues, as it ever must where enterprising British merchants and native dealers and producers are thrown into contact.

But the Mikado's party has meanwhile gained the ascendancy. Several powerful Daimios of this Empire asserting rival claims to sovereignty, more or less well founded, have adopted the expedient of elevating the Mikado from a noiseless and spiritual seclusion to a position of traditional supremacy which the Tycoon can hardly resist. Hence the mandates which, during the last few months, have successively reached Yeddo; hence the degradations and confiscations of the revenues of the Tycoon's partizans; hence the arrogant declarations of the Daimios, and the absolute commands of the Mikado to the Tycoon, enjoining him at once to expel foreigners, as disclosed in the annexed translations transmitted to me by Her Majesty's Acting Consul at Hakodadi; and hence, finally, the summons of the Tycoon to Miako.

At such a crisis in the internal situation of this country I had the honour to receive your Lordship's instructions in regard to the reparation to be demanded for the murder and outrages committed in September last upon Mr. Richardson and other British subjects.

With the progress of my proceedings while carrying out those instructions I have had the honour to keep your Lordship fully informed.

The loyal, frank, and energetic co-operation of the French naval and diplomatic authorities has afforded no slight consistency to the decisions I have successively arrived at in perfect unanimity with Admiral Kuper.

Inclosure 1 in No. 37.

Acting Consul Ensly to Lieutenant-Colonel Neale.

Sir,

Hakodadi, April 4, 1863.

I HAVE the honour to forward you the accompanying inclosures. No. 3 is the reply of the Tycoon to a despatch of the Mikado, which to my regret I have as yet been unable to obtain.

I have, &c.

(Signed) JAMES J. ENSLY.

Inclosure 2 in No. 37.

The Mikado to the Tycoon of Japan.

(Translation.)

THE insolent intrusion of foreigners has now lasted during several years, and it is extremely difficult to say when it will end.

These barbarians occasion deep affliction to the Great Nippon, from its Sovereign down to the lowest native. I have frequently written to you upon this subject, partly for myself and partly for my people; and as I have already told you, this calamity does not cease.

The foreigners must either be banished by force or they must be all removed to Nagasaki and Hakodadi. Measures must be adopted to render it impossible for them to assert their pretensions, and if they are allowed to remain in Japan, let it appear that they are not here.

If these measures are not adopted, a war will break out. Do not delay these important reforms, and if they must be allowed to trade, their commerce must be restricted and duly controlled.

Endeavour to settle this important affair with the Daimios; but I must add that these perverse and barbarian foreigners ought to be sent out of our country.

12th month.

Inclosure 3 in No. 37.

The Tycoon to the Mikado of Japan.

(Translation.)

IN reply to your despatch we beg to state that we fully agree with you. We intend to hold serious conferences with the high Officers of State, and we shall personally inform you of the result when we meet you at Kioto.

Inclosure 4 in No. 37.

The Tycoon to the Mikado of Japan.

(Translation.)

YOU have informed me that great anxiety is felt at Kioto, as it is not sufficiently protected if the banished foreigners intend to create disturbances. We are well aware that Kioto might be in danger if the barbarians revolted, but allow us to remind you that up to the present time Kioto has always been confided to the care of the Government of the Tycoon, and we have never neglected this duty.

If you, however, consider the protection of Government insufficient, we shall send several Daimios to watch over your safety. We have already commanded the principal Daimios to fortify Japan and defend it if the barbarians revolt. We therefore request you will inform us which Daimios you prefer.

When we are at Kioto this matter shall be amply discussed, and we shall then be able to consult about the manner in which the foreigners must be banished, and about the internal governance of our country.

No. 38.

Lieutenant-Colonel Neale to Earl Russell.—(Received July 16.)

My Lord,

Yokohama, May 12, 1863.

I HAVE the honour to transmit to your Lordship a copy of a communication I have thought it advisable to make to the Japanese Ministers, apprising them of the declared total value of the property belonging to British subjects which is exposed to risk in the present situation of affairs, and especially should hostilities ensue consequent upon a non-settlement of the demands for reparation preferred by Her Majesty's Government.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 38.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, May 8, 1863.

IN the present situation of affairs it becomes my duty to communicate to your Excellencies that the value of the private and business property of British merchants and

other British subjects residing in Yokohama, according to the lists they have separately and in detail recorded, amounts in the total to 2,967,575 Mexican dollars.

This measure of precaution has been adopted lest the sinister reports in circulation of the intended designs of loonins, or Daimios' retainers, as well as the possible acts of prisoners liberated from the gaol by the Japanese authorities against the foreign Settlement, should be realized.

I have in the meanwhile to acquaint your Excellencies that some British subjects have already been robbed by their fugitive servants.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

No. 39.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, July 22, 1863.

HER Majesty's Government approve your proceedings, as reported in your despatch of the 11th of May, with reference to the demands which you had been instructed to make upon the Japanese Government.

I am, &c.

(Signed)

RUSSELL.

No. 40.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 6.)

(Extract.)

Yokohama, May 15, 1863.

BY the last mail I was unable to transmit to your Lordship a copy (now herewith inclosed) of a despatch addressed to me by Mr. Consul Winchester.

Inclosure in No. 40.

Consul Winchester to Lieutenant-Colonel Neale.

Sir,

Kanagawa, May 4, 1863.

I HAVE the honour to inform you that pursuant to your instructions I sought an interview with the Governor at 11 A.M. for the purpose of drawing his attention to the alarm and inconvenience which the sudden exodus of the Japanese from this place and Kanagawa was sure to occasion.

The conversation commenced by my informing the Governor that you had sent me to inquire the meaning of the sudden and simultaneous leaving of great numbers of the population which had been going on all night, and was still continuing, and that you had hoped the same was not in consequence of any orders of the Government.

The Governor replied that the people had been informed of the differences between Her Majesty's Government and that of the Tycoon; that they knew the limit of days originally imposed; that thirty days had been asked for to enable the Tycoon to return to Yeddo with a view to the settlement of the question, and that only fifteen had been granted. Under these circumstances the people had been greatly terrified and excited, and had been told in reply to their anxious inquiries that they were at liberty to go or stay as they pleased.

I then stated to the Governor that such a measure as the withdrawal of the Japanese from the foreign settlement was in itself one of the acts of all others most likely to precipitate events in a sense unfavourable to the amicable settlement of the questions between the British Government and that of the Tycoon; that a step of this nature was calculated to create the greatest alarm, and to be highly prejudicial to the permanent interests of all concerned, and should not be encouraged or ordered, except in the last resort when all negotiations had failed. To this the only reply given by the Governor was that no constraint had been put on the people, they had been simply told to please themselves. I rejoined to this that this step was a bringing on of the evils of war before there was any occasion; that the Governor must know that negotiations were still going on; and I declared that in no case would any trouble fall on Yokohama, and requested that he would issue a circular to calm the minds of the people.

The Governor stated he would send officers among the people to induce them to remain, but would not promise to send round any circular.

At 12 noon the Governor had requested all the Consuls to meet him, and I therefore dispatched Mr. Flowers, who had taken pencil notes of the interview, to acquaint you with the unsatisfactory result.

My colleagues then entered the audience room, with the exception of the French Vice-Consul, and the Governor told us at some length that his object was to inform us that the guard would be changed to-morrow; that as there were troubles on hand the Daimio officers would be replaced by others under his immediate command, who would be more completely under his orders. He evaded any statement as to whether the numbers of the guard should be increased. Inquiries were then made by the American Consul and others with respect to the exodus. The neutrality of the Settlement was insisted on in becoming terms.

It was represented that the withdrawal of the Japanese involved all nations equally: that nothing was so likely to bring on war as to act as if it were certain.

The Governor reiterated that the Government had left the matter to the people themselves—to go or stay.

The United States' Consul stated that the accounts received by him of the character of the circular gave it a much more peremptory tone; that it was very unlikely the people would leave unless ordered by the Government.

I then suggested that he should furnish a copy of the circular. He evaded the demand by saying he would do so, but must first refer to Yeddo.

At this stage the general interview broke up, and the Governor was left by me with the Prussian and Portuguese Consuls.

Such is a very hurried account of what took place.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

P.S.—Mr. Loureiro, Acting Consul for Portugal, has since told me that the Governor said to him he would be very sorry if any Portuguese suffered in consequence of being mistaken for English, but that it was impossible for the Japanese to distinguish. He promised to give the Portuguese notice of any hostile movement on Yokohama likely to involve their safety.

C. A. W.

No. 41.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 6.)

My Lord,

Yokohama, May 27, 1863.

I HAVE to report to your Lordship that the temple occupied by the United States' Legation at Yeddo was destroyed by fire on the early morning of the 24th instant. As yet it has not been discovered whether this event is attributable to accident or to political incendiaries. It should, however, be remarked, that my colleague of the United States has on more than one occasion told me that the Japanese Government had urgently solicited him to abandon Yeddo during the Tycoon's absence, and to reside in Yokohama.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

No. 42.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 6.)

My Lord,

Yokohama, May 27, 1863.

I HAD the honour to inform your Lordship by the last mail that I had been officially informed that the Tycoon would return to Yeddo on the 23rd instant. I now inclose copies of some further correspondence with the Japanese Ministers respecting a postponement in the departure of His Majesty from Miako.

I have, &c..

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 42.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE lately informed you in writing that His Majesty the Tycoon would leave Miako on the 21st instant (May 8), and would return to the Castle on the 7th of the 4th month (May 24), but we have now received a communication from Miako, stating that unavoidable circumstances will compel His Majesty to delay his departure for some time.

We send you this in order that you may have an early notice.

With respect and consideration.

28th of 3rd month of 3rd year of Bung-kew (May 15).

(Signed)

MATSDAIRA BUZEN NO KAMI.
INOWOYAY KAWATSI NO KAMI.

Inclosure 2 in No. 42.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, May 18, 1863.

I HAVE to acknowledge the receipt of your Excellencies' letter informing me that His Majesty the Tycoon would not leave Kioto on the 8th of May to return to Yeddo, as you had previously announced.

I have to express to your Excellencies my great disappointment and regret at this communication under existing circumstances. It remains for me only to state that, notwithstanding this unexpected change in the intentions of His Majesty with respect to the period of his return to his capital, I shall await with much anxiety the important and definite instructions which may reasonably be expected by the Government at Yeddo from His Majesty at Kioto in regard to foreign affairs.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

No. 43.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 15.)

My Lord,

Yokohama, June 11, 1863.

WITH reference to my despatch of the 27th ultimo, I have the honour to inclose a copy of an official letter I have received from Mr. Pruyn informing me of the destruction of the United States' residence at Yeddo, accompanied with some particulars connected with that event.

Mr. Pruyn, I am satisfied, is quite justified in entertaining some suspicions that the fire was not accidental, although he commences by disculpating the authorities from all connivance.

It is well known that the Japanese Government has long resorted to every means of persuasion to induce the United States' Minister to reside at Yokohama, and with this view they had even offered to indemnify the American Legation for the inconvenience and expense which might be occasioned by their removal. Mr. Pruyn continued, however, to reside in a temporary residence at Yeddo after the destruction of the Legation, and thus baffled in their attempt to necessitate his departure, the next act of the Japanese authorities appears to have been a resort to terrorism. I am told that Mr. Pruyn was at dinner when a Vice-Governor came in breathless haste to urge his instant departure, for that the Governor could not guarantee the safety of his life for an hour, and then Mr. Pruyn at once embarked.

The measure next adopted by the authorities was to effect without chance of failure the departure of the United States' Consul and family, and some American missionaries from Kanagawa on the opposite side of the bay to this settlement.

Some yaconins roused the Consul at night, and announced the imminent peril to which they alleged he was exposed, and their inability to afford them any protection. Some of these families embarked immediately on board the United States' ship of war "Wyoming," as they had no immediate means of finding residences at Yokohama, where the whole are now located.

To render these measures thoroughly complete, the Swiss Mission, which had proceeded to Yeddo to negotiate respecting their Treaty, which had been promised, and was to have been on the same footing as that with Prussia, were conducted for safety on board a Japanese steamer each night, and finally returned in the same steamer a few days ago to Yokohama, without having as yet accomplished the object of their mission.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

P.S.—Since writing the above I have acknowledged the receipt of Mr. Pruyn's letter, and have the honour to inclose a copy of what I have written.

E. ST. J. N.

Inclosure 1 in No. 43.

Mr. Pruyn to Lieutenant-Colonel Neale.

Sir, *Legation of the United States in Japan, June 9, 1863.*
I HAVE the honour to inform you of the destruction by fire of the buildings occupied by the United States in Yeddo on the 24th ultimo at 2 A.M.

As I have already unofficially stated to you the fire originated in the kitchen or a small building adjoining, and in fifteen minutes from the time of its discovery enveloped so completely the entire buildings as to allow me only opportunity to save the public archives.

My interviews with the Japanese Government in relation to the cause of the fire, and provision for another residence, and my temporary removal to this place, must be my apology for the delay in this official announcement.

I have no wish to attribute the destruction of the Legation buildings to design, nor have I any reason for any such belief, from the great desire which has been constantly shown to have me take up my residence in this place.

Some occurrences calculated to excite suspicion had attracted my notice, which I had frankly stated to the Government; while their force has been admitted, I am nevertheless assured that the evidence taken establishes beyond a doubt that the fire was accidental.

The Government has prepared plans for a temporary residence for me in the large temple within the inclosure which was not destroyed, and I suppose the work for such temporary residence has commenced. I remained in Yeddo one week after the fire to arrange this, refusing to leave the city even for a visit to this place, until I had positive assurances of such provision for my residence at Yeddo.

I had fixed the time of my departure from Yeddo on such visit for the 1st of June, but was induced to leave late in the evening of the day preceding, on receiving notice from the Government of the discovery of an organization to attack myself and the guard that night. I was informed that an additional force had been sent for my protection; but that in the event of a night attack, some accident might happen to me. The additional argument was strongly urged that my removing that afternoon would leave them free from apprehension for my safety, and enable them to act with more vigour against the conspirators (loonins), whom the Government at the very time were causing to be surrounded.

Under these circumstances I did not feel at liberty to refuse leaving a few hours earlier than I had intended.

It is my present intention to resume my residence at Yeddo early next month.

I have, &c.

(Signed) ROBERT H. PRUYN.

Inclosure 2 in No. 43.

Lieutenant-Colonel Neale to Mr. Pruyn.

Sir, *Yokohama, June 12, 1863.*

I HAVE the honour to acknowledge the receipt of your despatch of the 9th instant, upon the subject of the destruction by fire of that portion of the temple at Yeddo which was occupied by the United States' Legation.

I beg to express my extreme sympathy and deep regret at this untoward and

unexpected event. That it was occasioned by the act of political incendiaries, of which you have some suspicion, I have little doubt, judging from the context of past and passing events of a similar character. The general plan (now evident, and not disavowed by the Japanese Government) for the expulsion of foreigners from localities where their presence is most distasteful, is visibly enacting before our eyes. The multiplicity of grievances, and absence at present of fitting opportunity, having special matters on hand, alone retards the sweeping away of the ill-advised and futile efforts which more or less hostile parties in Japan oppose to the entire and complete execution of Treaty obligations. For myself I beg leave to declare that I will enter upon that work systematically, taking the obstructions presented to us seriatim in the order of their importance.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

No. 44.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 15.)

My Lord,

Yokohama, June 12, 1863.

I HAVE the honour to inclose, for the information of your Lordship, a copy of a despatch I have received from Captain Vyse, who had entered upon his functions at Hakodadi.

The Proclamations of the Governor referred to are likewise inclosed, and afford some assurances that no aggressive acts against foreigners are likely to arise at that distant port, much further removed from passing political influences than Yokohama, or even Nagasaki.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 44.

Consul Vyse to Lieutenant-Colonel Neale.

Sir,

Hakodadi, May 18, 1863.

I HAVE the honour of reporting my arrival on the 12th ultimo at the above-mentioned port, where all appeared in peace and tranquillity.

In accordance with your instructions, impressing upon me the necessity of furnishing you, by whatever opportunity that may present itself, by sea or by the Japanese land route, with every information which is attainable, bearing upon passing events, I take this early opportunity of inclosing copies of four official notices, circulated privately to each Japanese house by the Governor, giving information as to what is likely to happen, urging at the same time upon those under his jurisdiction to prepare themselves in the event of an emergency.

I have, &c.
(Signed) F. HOWARD VYSE.

Inclosure 2 in No. 44.

Orders issued by the Governor to the Inhabitants of Hakodadi.

(Translation.)

AT this time, although the common people have begun to shut up their houses, as there is no war, they must be opened, and mercantile business must be carried on as usual.

Hereafter if there should be a war I shall hear from Yeddo, and it will be told to you.

25th of 3rd month (12th May, 1863).

(Signed) GOVERNOR OF HAKODADI.

Speech addressed to all the Government Yakonins by the Governor of Hakodadi.

I have heard from the Governor at Yeddo. After some time (this expression "oté" may mean several years) a war may break out, or it may not; although this is not yet decided, I have to order you to be prepared, and to practice the sword exercise.
25th of 3rd month (12th May, 1863).

The Treaty between European countries and Japan is finished. Henceforth Hakodadi and Nagasaki will be the only ports opened to foreigners. If the foreigners, however, persist in their claims, a war will break out.

27th of 3rd month (14th May, 1863).

(Signed)

GOVERNOR OF HAKODADI.

In Hakodadi there is not the least chance of a war breaking out. If there should be a war in Yeddo, the large bell (in the Governor's house) will be sounded, and it will then be time to shut up your shops. Until, however, you hear this bell, business must be carried on as usual. In Hakodadi there will be no war.

27th of 3rd month (14th May, 1863).

(Signed)

STREET GOVERNOR OF YEDDO.
GOVERNOR OF HAKODADI.

No. 45.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 15.)

My Lord,

Yokohama, June 12, 1863.

I HAVE the honour to transmit, for the information of your Lordship, copies of a despatch, with its inclosures, addressed to me by Mr. Consul Winchester in respect to measures adopted by the Japanese Government at Yokohama with the alleged object of affording protection to foreigners at the present crisis.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 45.

Consul Winchester to Lieutenant-Colonel Neale.

Sir,

Kanagawa, May 31, 1863.

I HAVE the honour to submit to your attention the details of an important interview with the Governor to which I was summoned, along with my colleagues, this forenoon.

The first intimation, received about 8 A.M., was to the effect that the Governor wished to see the Consular Corps at 1 in the afternoon. A second notice reached me at 11.30 A.M., stating that the Governor was at the Custom-house, and wished to see the Consuls as soon as they could make it convenient.

Proceeding to the Custom-house, I waited some time, the Governor being engaged with the American Consul.

We were at length requested to come to the Governor's presence, and found him, with Mr. Fisher, in one of the upper rooms of the building. After sitting down, I gathered that they were concluding a conversation in which it had been arranged that, in consequence of the presence of a band of loonins in this neighbourhood, the Consul and American missionaries resident at Kanagawa were, for their greater safety, to remove at once to Yokohama, it being provided that a Japanese guard should take care of their house and furniture during their temporary absence, and that compensation for the expense and trouble of removal should be borne by the Japanese Government.

The Governor then proceeded to inform us that there were large numbers of loonins in Yeddo and its vicinity; that these men had been roaming about committing numerous outrages on the highway, entering the shops and warehouses of respectable merchants for the purpose of extorting money by threats and violence.

It is impossible, said the Governor, to prevent these people from coming on the tokaido; and he was particularly anxious that foreigners of all nations should be warned against riding or walking in that direction. Not only was there danger on the high road, but there were strong apprehensions that these outlaws, who were united in gangs more or less formidable, might introduce themselves into Yokohama and commit isolated assaults and homicides, or, combining in larger bodies, attack the Settlement in force. It was the duty of the Japanese Government, according to Treaties, to protect the Settlement and foreign residents from injury, and it was desirous of doing so in the most effectual manner. With this view the Gorogio had sent for the Governor and directed him to arrange all the necessary measures. A battalion of the Tycoon's own guard, commanded by officers of rank ("Hattomotos"), would be sent down to reinforce the Daimios' guards, and would be distributed in barracks and posts around the Settlement. These troops would patrol day and night. Additional accommodation would have to be built for them, and a strong detachment would be placed in the new Examination House in the East Hatoban.

These arrangements would probably last for thirty days, within which time the Gorogio expected to be able to clear the district of these troublesome intruders. In the meantime, looking to the possible confusion which might attend the joint action of Japanese and foreign troops, they hoped to be able to meet the crisis, which the Governor repeatedly averred was one of great danger, with the native soldiery; but if their ability to do so became doubtful, there would be no hesitation in requesting the aid of the foreign troops.

To these statements we replied in a general way that it was very gratifying to be assured of the solicitude of the Tycoon's Government for the safety of the settlement, but that the inconvenience of mixing up the Japanese and foreign soldiery before it became really necessary would be the result of stationing any detachment of Japanese soldiers in the centre of the bund; that the native and foreign residents must in such case be in constant contact with each other, and that collision and other complications would ensue.

Such a post was not wanted, as the gun-boats were anchored so as to command the whole of the sea-front of the foreign quarter, and if necessary the Admirals and other senior naval officers of the respective nations would direct additional guard-boats to row along the sea-front. The proper line for the Japanese guards to be posted was round, but not in, the Settlement, for so long as the ships of war were in harbour any attack from seaward would be impossible.

[The Governor said that] only the usual Custom-house officers would remain at the new hatoban, and he would be glad if the gun-boats could be anchored as near the shore as possible, and the arrangements I had spoken of with respect to the row guard-boats were continued.

I then pointed out to the Governor that these measures of precaution and defence were likely to lead to considerable apprehensions among the Japanese residents and servants, and that if proper measures were not taken to quiet such, we would surely have a return of the distressing panic which occurred at the commencement of the month. It was imperatively necessary that the Governor should provide against this both here and at Kanagawa, it being certain that the removal of the American Consul would create great alarm.

To this last observation the Governor accorded his full assent, repeating that within ten or fifteen days if the Government found itself unable to repress these bands of outlaws, the aid of foreign troops would be demanded.

Finally, the Governor requested that in making known to our several communities the state of affairs, we would be good enough to announce that the officers in charge of the Tycoon's troops were gentlemen of birth and consideration in Japan, much superior to the Daimios' officers whom we have been accustomed to see, and that any unnecessary threatening display of fire-arms would be felt by them as a special indignity.

The Governor further informed me that with a view of facilitating communication with foreign Ministers and Naval Chiefs and Consuls, certain officers would be named and deputed to convey information and reports in case of emergency.

During the course of the interview we endeavoured to obtain from the Governor a more definite statement of the strength of the reinforcements; he evaded this, however, by speaking of it as a single battalion—an idea hardly consistent with the numbers of posts and new barracks which we were given to understand were in contemplation. We heard nothing of any batteries or works to be thrown up; but I should not be astonished if under cover of the present excitement such were intended.

Undoubtedly the Japanese Government is quite capable of creating a fictitious alarm, and under its cover compassing their darling object of controlling the movements or (it may be) getting rid of this community.

I forward at once a copy of this despatch to Admiral Kuper, and to-morrow will issue a notification to the British community in terms to be submitted to you.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

Inclosure 2 in No. 45.

Consul Winchester to Lieutenant-Colonel Neale.

(Extract.)

Kanagawa, June 2, 1863.

I HAVE the honour to forward, for your information, copy of the notification issued to British subjects consequent on Sunday's interview with the Governor.

Notwithstanding the apparent abandonment, at the moment, of the intention to place a Japanese guard on the East Hatoban, it became evident on Monday that the military control of the bund was an object of such importance that its accomplishment was not to be foregone without a struggle.

Ishibashi, the interpreter, was sent to inform me that the Governor adhered to his original views, and that he had betaken himself to the British flag-ship, in the hope of obtaining an assent to his wishes.

It is unnecessary to advert to the discussions with yourself, the French Minister, and Admiral, which have terminated in the withdrawal of this proposal, the carrying out of which would have created the greatest alarm among the foreign community.

What are the real facts hidden under the excitement so carefully unveiled to us it is as yet impossible to say. It seems to be clearly coincident with the arrival of Mito and his men to take care of Yeddo, and has enabled the Government successfully to attain two objects they have long had at heart—the retreat of the American Minister from Yeddo, and of the American Consul and missionaries from Kanagawa. It is possible that these two points gained, the system of terror will be relaxed for another fortnight, when further turns of the screw will be added, involving the confinement of foreigners within the canal or their expulsion from the settlement. All these are well understood landmarks in the programme of the Conservative party, who are so utterly blinded by extravagant appreciation of their own miscalled heroism as to fancy themselves equal to the burden of a foreign war, and to attribute foreign forbearance to fear.

Inclosure 3 in No. 45.

Circular addressed by Consul Winchester to the British Residents at Yokohama.

Kanagawa, June 1, 1863.

THE Undersigned was yesterday informed by the Governor of the presence of numerous bands of loönins in Yeddo and this neighbourhood, and warned that foreigners walking or riding along the tokaido will run great risk of being attacked.

The Undersigned would in any circumstances feel it his duty, out of regard to individual safety, to caution his countrymen against exposing themselves on a highway known to be infested by truculent outlaws. At the present moment it is especially desirable that relations should not be complicated by the occurrence of other untoward events. The demands now being made have arisen out of the commission of atrocious homicides, and from what is taking place the community can form an estimate of the inconvenience of having to demand redress for lesser injuries.

The Governor further announced that with the view of providing for the security of the foreign settlement and residents against isolated or combined attacks on the part of these outlaws, the present Japanese soldiers were to be reinforced by a battalion of the Tycoon's guard, whose special duty it will be to patrol the outskirts of Yokohama; and his Excellency further begged me to inform my countrymen that the officers of this corps (being Hattamotos) were persons entitled to respect and consideration in Japan.

(Signed) CHARLES A. WINCHESTER.

No. 46.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 15.)

My Lord,

Yokohama, June 13, 1863.

I HAVE the honour to transmit, for your Lordship's information and convenience, a copy of a despatch I have addressed to Vice-Admiral Kuper, and which consists of a summary of my negotiations with the Japanese Ministers since the departure of the last mail, and which, with the inclosures referred to, I have the honour to lay before your Lordship in greater detail by this occasion.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 46.

Lieutenant-Colonel Neale to Vice-Admiral Kuper.

Sir,

Yokohama, June 12, 1863.

THE result of the conferences which have taken place between myself and the Japanese Envoys from Yeddo since I had last the honour of informing you of the situation of affairs may be condensed as follows:—

Takemoto Kai no Kami, the Envoy with whom, as you are aware, I was previously in communication, did not keep his engagement of returning to Yokohama, arising, as alleged, from ill health, but probably from other causes. Two other Envoys did, however, replace him; and the whole purport and tenour of three long and protracted conferences I held with them on the 7th and 8th instant, and at one of which you were present, was to arrange the details of the mode, time, and manner of payment of the pecuniary demands made by Her Majesty's Government upon Japan, exclusive of the demands on Satsuma.

Various and widely differing proposals with this object were made by the Governors, ranging from ten months to ten years, as the term to be allotted for the payment of the whole; while I, on my part, insisted that, having extended all due consideration to the Tycoon's Government, and exhausted all patience, ten days was the limit of the term which I would now further await a settlement of the question in hand; and that in default of such being accomplished, I should be constrained to leave in your hands the execution of the measures to be adopted under such contingency as directed by Her Majesty's Government.

At the last of the interviews referred to, the Governors made finally a proposal to the effect that the sum of 140,000 dollars should be paid within a term of ten days, dating from the 9th instant. A long discussion then ensued as to when and in what proportions the remainder would be liquidated. I suggested the payment of 60,000 dollars at short intervals, *i.e.*, week by week; this was eventually modified to 50,000 dollars per week, thus covering the whole amount in six weeks.

The Governors returned to Yeddo, undertaking to be with me this day, the 12th instant, bearing the approval, or otherwise, of the Tycoon's Government to this arrangement.

This morning I am placed in possession of a despatch from the Gorogio, translation of which I have the honour to inclose for your information, by which you will observe that the conditions proposed by me are formally and officially accepted. In the same despatch I am informed that a member of the Gorogio will come down to Yokohama to-morrow (the 13th instant) for the purpose of discussing the subject of the demands made upon the Prince of Satsuma, which I had informed the Envoys must also immediately be determined. The Gorogio also refer to other matters of the nature of which I am ignorant; but there is every reason to believe they may be of a very unsatisfactory character with regard to our relations generally with Japan: the chief object and persevering designs of the rulers of this country, to judge from the context of past and passing events, being to bring about the voluntary abandonment or enforced expulsion of foreigners,—if not from all the open ports, certainly from Yokohama.

In support of these conclusions I have the honour to inclose the translation of a Proclamation which has been very generally circulated in Yeddo within the last two days, and which has fallen into my possession this morning.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 46.

Proclamation sent round by the Governor of Yeddo to the Head-men of every Street in that City, for the information of its Inhabitants.

(Translation.)

AS we are now going to enter upon the negotiations with regard to the closing of the ports,* and which will possibly result in war, bad people and robbers might profit by the occasion to create confusion and commit outrages, our Government has therefore taken precautions; but you (the people), as you have been for 300 years in the enjoyment of peace and quietness through the care and vigilance of the Government, must now yourselves also take the necessary steps to prevent the occurrence of such confusion or outrage.

The preservation of order in the different quarters of Yeddo is particularly to be cared for by you, and any one among you who has good plans to propose with that object, let him come and propose it to the Governor of Yeddo.

(June 9, 1863.)

No. 47.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 15.)

My Lord,

Yokohama, June 14, 1863.

AT the last moment of the departure of the mail, I rise from a conference with the Governors of Foreign Affairs, and it is with no small satisfaction that I lay before your Lordship the written undertaking of the Japanese Government to satisfy the demands I have been instructed to make upon it on the part of Her Majesty's Government, so far as regards the pecuniary indemnities, apart from the demands on the Prince of Satsuma.

On the 11th instant I received a communication from the Japanese Ministers, a copy of which I have the honour to inclose, formally, and for the first time, assenting to the demands referred to, as well as to the specific amounts and periods of payment which I had insisted upon.

This was followed by a further communication, herewith inclosed, informing me of the sudden illness of the Minister, one of the Gorogio, who was to have come down, and stating that the two Governors, with whom I had last been in communication, would supply his place.

This morning, accordingly, I have been in conference with the Governors, the result of which is the formal signing and sealing of a specific and obligatory engagement, a copy of which I have here the honour and satisfaction to lay before your Lordship.

I dispatch the mail, to return to my conference with the Governors respecting the subject of the reparation demanded of the Prince of Satsuma, respecting which they have a communication to make.

Thus far matters have progressed without the firing of a shot. I trust I may be in a position to reiterate this remark when the whole of the demands shall have been satisfied. But I cannot venture to be over sanguine at a moment when this country is in the very throes and effervescence of internal commotion—a contest which may enable us to be passive, and perhaps even eventually conduce to our advantage, but which, on the other hand, may speedily and forcedly engage us in hostilities.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 47.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

In reference to the manner in which the sum of 110,000*l.* sterling shall be paid down, we agree to the arrangement entered into with Kikoochy Iyo no Kami and Sibata Sadataro. But with regard to Satsuma, as we wish to have a discussion with you

* "Sa-Kao;" "Sa," to close, "Kao," port.

relative to another matter, and intend to send one of us to have an interview with you the day after to-morrow the 27th instant (June 13th), we will at the same time enter into some arrangement about that; therefore we request you to take it into consideration.

With respect and esteem.

25th of 4th month of 3rd year of Bung-kew (June 11).

(Signed)

MATSDAIRA BUZEN NO KAMI.
INOWOYAY KAWATSI NO KAMI.
OGASAWARA JEWSIO NO KAMI.

Inclosure 2 in No. 47.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication.

In our despatch of yesterday's date, 25th of 4th month (June 11), we informed you that some of our colleagues would go to Yokohama on the 27th day (your 13th of June), and have an interview with you; but Inowooyay Kawatsi no Kami was suddenly taken ill to-day, therefore some of us cannot go to-day: but we intend to send Kikoochy Iyo no Kami and Sibata Sadataro to you on the 27th day (your 13th June), to have an interview with you relative to Satsuma.

With respect and consideration.

26th of 4th month of 3rd year of Bung-kew (12th June, 1863).

(Signed)

MATSDAIRA BUZEN NO KAMI.
OGASAWARA JEWSIO NO KAMI.

Inclosure 3 in No. 47.

Agreement.

(Translation from the original in Japanese and Dutch.)

ON this 14th day of June, 1863, we, the Undersigned, Kikoochy Iyo no Kami and Sibata Sadataro, Governors for Foreign Affairs, deputed by the Japanese Government to settle and arrange with Her Majesty's Chargé d'Affaires the proportions and periods of payment of the indemnity demanded by the British Government in so far as they regard the sum of 10,000*l.* sterling demanded for the families of the two English guards murdered at Her Britannic Majesty's Legation at Yeddo on the 26th of June, 1862 (2nd year of Bung-kew 5th month), and in respect to the sum of 100,000*l.* sterling for the murder of Mr. L. Richardson on the tokaïdo on the 14th September (24th of the 8th month) last, do hereby undertake and agree to liquidate and pay unto Her Majesty's Chargé d'Affaires the said several amounts in the proportions and at the specified periods hereunto affixed, that is to say:—

	Dollars.
First payment on the 18th day of June, 1863 (3rd of the 5th month)	140,000
Second payment on the 25th day of June, 1863 (10th of the 5th month).. ..	50,000
Third payment on the 2nd day of July, 1863 (17th of the 5th month)	50,000
Fourth payment on the 9th day of July, 1863 (24th of the 5th month)	50,000
Fifth payment on the 16th day of July, 1863 (1st of the 6th month)	50,000
Sixth payment on the 23rd day of July, 1863 (8th of the 6th month)	50,000
Seventh payment on the 30th day of July (15th of the 6th month)	50,000
Total of payments	440,000

At the exchange of 5*s.* per Mexican dollar, equal to 110,000*l.* sterling.

The above arrangement is true and correct.

(Signed)

KIKOOCHY IYO NO KAMI. (L.S.)
SIBATA SADATARO. (L.S.)

I accept the above conditions.

(Signed)

EDWD. ST. JOHN NEALE. (L.S.)

Lieutenant-Colonel Neale to Earl Russell.—(Received August 27.)

(Extract.)

Yokohama, June 20, 1863.

IN continuation of my despatch of the 14th instant by the last mail, I have the honour to lay before your Lordship a recital of what has passed in the eventful fortnight which has succeeded.

At the last moment I transmitted to your Lordship a translation, in copy, of a formal and written engagement entered into with me by the Japanese to pay by instalments, at the periods specified, the pecuniary portion of the indemnity demanded by Her Majesty's Government. That Agreement was signed on the 14th instant.

Thus far my instructions being on the very eve of accomplishment, I proceeded on the following day to enter, with the same Envoys, upon the subject of the demands preferred upon the Prince of Satsuma, which the Envoys declared that they desired and were empowered to settle in a manner equally satisfactory.

The general purport and result of a very extended Conference with the Ministers, with which I will not weary your Lordship's attention, was to the effect that, on the part of the Envoys, they acknowledged the justice of the demand on Satsuma; that the arrest, conviction, and capital execution of the murderers of Mr. Richardson were also in accordance with their own laws; and that the only obstacle which presented itself was the impossibility to find the murderer (for the policy of this Government leads it, on all occasions when such is possible, to acknowledge the guilt of only one person at a time); that the Prince of Satsuma had been in constant correspondence with the Tycoon's Government, and declared his desire and willingness to arrest the actual murderers when this was practicable, and that both the Tycoon's Government and the Prince of Satsuma would not relax in their efforts to effect this object. They (the Envoys) therefore proposed that the money-portion of the demands (25,000*l.*) should be paid by the Tycoon's Government, and that we should await the arrest of the murderer in order to carry out the other portion of the demands.

I replied, that my instructions were urgent and peremptory; that the flight of the murderer, unless by the connivance of the Prince, was an inadmissible excuse, and the presumption that only one person was implicated equally inadmissible; that if one, therefore, had fled, others must be within the reach of Satsuma; that while the Japanese Government acknowledged its inability to arrest the criminals within the territories of the Prince of Satsuma, on the other hand it claimed for the Tycoon a right of sovereignty over the Prince's domains, and stated that it would be an act of hostility on our part if we proceeded ourselves upon Satsuma, who could not be considered an independent Prince.

I added, that this anomalous and unusual situation of affairs could only be dealt with by corresponding proceedings, which were not resorted to under ordinary circumstances.

Finally, I insisted that the indefinite period to which they postponed the arrest of the culprits could not be entertained by me; and the Envoys returned to Yeddo, to return to me in a day or two with a more reasonable project of settlement.

The day now approached for the payment of the first instalment of the indemnities, which in the Conference above referred to was no more alluded to, further than that the Envoys declared their satisfaction that it had been so happily settled and disposed of.

On the 17th instant, the day preceding the payment, I received an official message from the Governor through Mr. Eusden, desiring to be informed at what hour I desired the money, which was all ready at the Custom-house to be brought to this Legation.

One P.M. was affixed for that purpose.

I need hardly enlarge on the astonishment I experienced when a few hours before the appointed time I received a visit from the Governor of this place, who stated that he exceedingly regretted having to communicate that he had received orders from Yeddo not to pay the money. At the same moment I received a despatch from one of the Members of the Gorogio, a copy of which I have the honour to inclose, confirming the Governor's statement, and informing me that he would himself come down to make some communication to me.

I at once broke off all further discussion with the Governor, but, at his earnest request, granted twelve hours to proceed to Yeddo to communicate my decision of placing the solution of matters by coercive measures in the hands of the Admiral, unless the whole of the money, and not only the instalment, were paid into my hands at the expiration of the time I had acceded to await.

The Governor departed in hot haste to Yeddo, and returned to me as the clock struck the hour appointed. He stated the Minister would inevitably be at Yokohama in a few hours, but I replied that under no circumstances would I receive any Japanese authority, whatever might be his rank, unless he came preceded by the indemnities. No Minister, however, arrived from Yeddo, but I received a further written communication, a copy of which is inclosed. Mr. Eusden, the Japanese Secretary of this Legation, was summoned by the Governor to receive a communication, of which he furnished me with a report, herewith inclosed.

And Mr. Winchester, in the meanwhile, reported to me the substance of an interview held by the Governor with the Consular authorities, a copy of which I have also the honour to inclose.

I then, without the slightest hesitation, proceeded to address Admiral Kuper, placing the solution of affairs in his hands. I have the honour to inclose a copy of my despatch.

Inclosure 1 in No. 48.

The Japanese Minister for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

I HAVE the honour to inform you that the money which had been agreed on to be paid to-morrow the 3rd instant (June 18), cannot be delivered on that day, owing to an unforeseen circumstance. I will discuss this matter with you when I come to Kanagawa; therefore I have to request you to wait until the 7th instant (June 22).

With respect and consideration.

2nd of 5th month of 3rd year of Bung-kew (June 17).

(Signed) OGASAWARA JEWSIO NO KAMI,
3rd Member of the Gorogio.

Inclosure 2 in No. 48.

The Japanese Minister for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

I HAVE the honour to send you the following communication.

I intended to have left to-day, the 4th instant (June 19), in order to have an interview with you; but as I was suddenly taken ill, I could not depart, and as soon as I am better I will see you.

With respect and consideration.

4th of 5th month of 3rd year of Bung-kew (19th June, 1863).

(Signed) OGASAWARA JEWSIO NO KAMI.

Inclosure 3 in No. 48.

Mr. Eusden to Lieutenant-Colonel Neale.

Sir,

Yokohama, June 20, 1863.

I HAVE the honour to inform you that at the request of the Governor of Kanagawa I called on him this day, as he said he had a communication to make, which, as you had declined to receive any more official visits respecting the indemnity, he wished to be conveyed through me.

The purport of this interview, which lasted two hours, was that the Tycoon's Government had received orders from the Mikado not to pay the indemnity, which order they were bound to carry out, in the first place because it emanated from the Mikado, and secondly, because they feared an outburst of public indignation if not complied with; also if not carried out, the Tycoon might have to pay for it with his life.

The Governor further stated that Ogasawara Jewsio no Kami would enter into more particulars in regard to this matter, when he paid you his intended visit in a few days.

I have, &c.
(Signed) R. EUSDEN.

Inclosure 4 in No. 48.

Consul Winchester to Lieutenant-Colonel Neale.

Sir,

Kanagawa, June 20, 1863.

THIS morning I received a note from M. de Bellecourt, the French Minister, requesting me to give M. Van der Voo, his Delegate, any assistance which my experience might suggest, at a Conference to which the Governor had called all the foreign Consuls, at 10 A.M.

I assured M. Van der Voo, who presented the note, of my readiness to comply with M. de Bellecourt's request, stating at the same time that as yet I had not received the summons. Thinking it might have been taken to the residence of the Consular Interpreter, I promised to let him know before 10 whether I was to be present or not.

On learning at Mr. Dohmen's that no invitation to the Conference had been received for me there, I went to M. Van der Voo's house, and found he had just left. I called on M. de Bellecourt to inform him of the reason why I was unable to comply with his wishes. M. de Bellecourt, on hearing my statement, at once sent directions to M. Van der Voo to withdraw from a Conference to which the English Consul had not been invited, and on their receipt M. Van der Voo left the Custom-house.

About 11:45 a Government interpreter came to me with a message, to the effect that the Governor had not invited me to the Conference, presuming that I would be fully informed, through you, of the nature of the communication which he was to make to the other Consuls.

I have received from M. von Brandt the following account of the Governor's statement:—

After explaining the terms of the arrangement made with Her Majesty's Chargé d'Affaires on the 14th, he stated that, on the night of the 17th, he had received commands not to pay the money next day; but to inform the Chargé d'Affaires that Ogasawari Jewsio no Kami, one of the Gorogio, would come down on the 22nd to confer with Her Majesty's Chargé d'Affaires. That the Chargé d'Affaires was very angry, but had consented to two delays, the last expiring at 9 P.M. yesterday; and that the Governor had gone to Yeddo, but without result.

Yesterday the Gorogio received a letter from the Tycoon commanding them not to pay the money. It being impossible for the Gorogio to communicate with officers of inferior rank, the Governor of Foreign Affairs, Sawa Kansitziro, was directed to convey their wishes through Yohawa, one of the Vice-Governors of Kanagawa, who was then in Yeddo. This Vice-Governor had reported the commands of the Gorogio without delay, and the Governor had at once informed Mr. Eusden of its tenour, which was to the following effect:—

The Tycoon had every intention to pay, but if he did so, would immediately lose his life. The Tycoon was the friend, and the Mikado the enemy of foreigners. The latter had forbidden the Tycoon to pay, and the former was compelled to obey, or lose his position.

He (the Governor) did not know what Ogasawari Jewsio no Kami was to say to Colonel Neale, but in any case the orders were not to pay. Neither was the Governor aware when this member of the Gorogio would come down, for he was sick.

He (the Governor) certainly believed no indemnity would be paid, for the rumour of such an intention had spread through the country, and the loonins and bad people said, "Why pay the money to these poor fools, to these bad foreigners?"

The opinion of the Tycoon's Government was that the money ought to be paid, and the proof of this was that when Mr. Eusden took the ultimatum to Yeddo (6th April) the Tycoon, who was still there, ordered the Gorogio to do so (this extraordinary statement was twice re-affirmed in reply to questions put by M. von Brandt). On the way to Miako, however, the Tycoon had received a communication from his spiritual superior which had made him reflect.

Subsequently a great many things had occurred at Miako.

The Governor thought it his duty to inform the Consuls, because the Japanese Government had done nothing, and he would be very sorry if the British Admiral did anything.

On his return from the Conference, M. von Brandt called a meeting of Prussian subjects, to whom he communicated what had occurred.

I have, &c.

(Signed)

CHARLES A. WINCHESTER.

Inclosure 5 in No. 48.

Lieutenant-Colonel Neale to Vice-Admiral Kuper.

(Extract.)

Yokohama, June 20, 1863.

AS a happy termination to a long and patient exercise of moderation in my communications with the Japanese Government, upon the subject of the demands I have made upon the Japanese Ministers, under instructions from Her Majesty's Government, I had the honour to inform you by my despatch of the 14th instant, that Envoys sent down from Yeddo had at last definitively and in writing accepted, in the name of the Tycoon's Government, the pecuniary portion of the demands (exclusive of the separate demands on the Prince of Satsuma, left to be settled immediately afterwards); and that in faith of the explicit arrangements entered into, they had signed and sealed an obligatory bond, a copy of which I have transmitted to Her Majesty's Government.

The stipulations of this bond provided that the first instalment, consisting of 140,000 dollars, should be paid on the 18th instant.

It is with deep regret that I have now the honour to inform you that the Japanese Government has not only broken their faith in the most flagrant manner by failing to make any payments whatever up to this date, but that I have received official information through the local Japanese authorities that it is not the intention of the Japanese Government to pay the indemnities which a few days back they had solemnly engaged to liquidate.

All efforts at conciliatory diplomatic action which I have undeviatingly exercised having thus failed, I have the honour, in pursuance of our respective instructions, to request you to adopt such prompt coercive measures of reprisal, and such other measures as you may deem expedient, to punish in the first instance the Tycoon's Government for its flagrant breach of good faith, and calculated to bring them to a due sense of their engagements.

No. 49.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 27.)

(Extract.)

Yokohama, June 24, 1863.

IN my preceding despatch of the 20th instant by this mail, I had the honour of laying before your Lordship the train of circumstances which conduced to my determination of immediately breaking off diplomatic relations with the Japanese authorities, and of my placing in the hands of Admiral Kuper the enforcement of the demands for reparation I had with so much patience and moderation urged upon the Japanese Ministers, under instructions from Her Majesty's Government.

Before proceeding to relate the proceedings of the Tycoon's Government since the date of my preceding despatch, I hasten at once to announce to your Lordship that I have received within the walls of Her Majesty's Legation the whole amount of the indemnities demanded by Her Majesty's Government from the Government at Yeddo, amounting to 110,000*l.* sterling, represented by 440,000 Mexican dollars; the reparation affixed for the families of the guards murdered at Her Majesty's Legation on the 26th of June is comprised in this amount.

The money is in course of formal delivery, and will occupy four days to count; but the whole is under charge of my own guard, and more than half the amount has already been shipped on board Her Majesty's ships at this anchorage.

The indemnities having been paid, the Minister of Foreign Affairs, Ogasawara Jewasio no Kami, referred to, arrived on the 23rd instant from Yeddo; Her Majesty's gun-boat "Havoc" closely following the steamer in which he came. Immediately afterwards I received, in common with my colleagues, the written communication which it devolves upon me here to lay before your Lordship. I annex two other versions of this document from the original Japanese.

I quickly responded to this missive, as did my colleagues of France and of the United States.

I have resolved to deal with the now-declared intention of expelling us from this country as an unmeaning menace, so far as I have the immediate support of Her Majesty's fleet, and so long as Admiral Kuper is uninterruptedly enabled to afford me such support.

I must, however, candidly record that, but for the presence at this anchorage of so powerful a squadron (and the same opinion is doubtless entertained by my colleagues),

we should, at the hour at which I write, forcedly have taken our leave of this country, pending the ulterior decisions of the Treaty Powers.

The attitude now assumed by my French colleague and myself is that of a defensive expectancy, while we are resolved to maintain our footing at this the principal port of Japan, where our own trade especially has progressed so prosperously; and I can perceive no immediate reason why we should not be enabled to preserve a continuous hold and footing at this port, with the combined resources of the British and French naval forces, and the small contingent of French land forces which are shortly expected from Shanghai.

I trust to be better enabled by the ensuing mail more accurately to define the present impenetrable situation of affairs, and the degree of peril with which our establishment in Japan is menaced.

I shall in the meanwhile, regardless of all threatening and collateral contingencies however serious, pursue my course to obtain by measures of arrangement or by coercive means the remaining reparation for past outrages which I have been instructed to obtain from the Japanese Government and from the Prince of Satsuma. To that work I shall devote myself so soon as the last dollar of the indemnity now in course of reception is secured on board Her Majesty's ships.

Inclosure 1 in No. 49.

The Japanese Minister for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation from Dutch translation of Japanese despatch.)

I HAVE the honour to inform you that I have received full powers to settle as follows:—

I have been instructed by His Majesty the Tycoon, who is now at Miako, and who received this order from the Mikado, to close the opened ports and to remove the subjects of Treaty Powers, as our nation does not wish to have any relations with them; thus this matter will be discussed with you afterwards.

With respect and consideration,

9th of 5th month of 3rd year of Bung-kew (24th June, 1863).

(Signed) OGASAWARA JEWSIO NO KAMI.

(Translation of the original Despatch in Japanese by M. von Siebold, with the aid of his Teacher.)

I hereby communicate the following in writing:—

Because the feelings of the inhabitants (of Japan) are inimical to foreign intercourse, I have received orders from His Majesty the Tycoon, now residing at Kioto, to remove foreigners and close the ports, leaving the negotiations of it in my hands.

Although I myself intend to communicate the particulars verbally to you, I now communicate this to you beforehand.

With respect and consideration,

9th of 5th month of 3rd year of Bung-kew (24th June, 1863).

(Signed) OGASAWARA JEWSIO NO KAMI.

(Translation of the original Despatch in Japanese, by Mr. Satow, with the aid of his Teacher.)

I communicate with you by a despatch.

The orders of the Tycoon, received from Kioto, are to the effect that the ports are to be closed and the foreigners driven out, because the people of the country do not desire intercourse with foreign countries. The discussion of this has been entirely entrusted to me by His Majesty. I therefore send you this communication first, before holding a Conference respecting the details.

Respectful and humble communication.

(24th June, 1863.)

(Signed) OGASAWARA JEWSIO NO KAMI.

Inclosure 2 in No. 49.

*Lieutenant-Colonel Neale to the Japanese Minister for Foreign Affairs.**Yokohama, June 24, 1863.*

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has received, in common with his colleagues, and with extreme amazement, the extraordinary announcement which, under instructions from His Majesty the Tycoon, his Excellency has addressed to him.

Apart from the audacious nature of this announcement, which is unaccompanied by any explanations whatever, the Undersigned is bound to believe that both the Spiritual and Temporal Sovereigns of this country are totally ignorant of the disastrous consequences which must arise to Japan by their determinations thus conveyed through you to close the opened ports, and to remove therefrom the subjects of the Treaty Powers.

For himself, as Representative of Her Britannic Majesty, the Undersigned has to observe, in the first instance, that the Rulers of this country may perhaps still have it in their power to modify and soften the severe and irresistible measures which will, without the least doubt, be adopted by Great Britain most effectually to maintain and enforce its Treaty obligations with this country, and, more than this, to place them on a far more satisfactory and solid footing than heretofore, by speedily making known and developing any rational and acceptable plans directed to this end, which may be at present concealed by His Majesty the Tycoon or by the Mikado, or by both, to the great and imminent peril of Japan.

It is therefore the duty of the Undersigned solemnly to warn the Rulers of this country that when the decision of Her Majesty's Government, consequent upon the receipt of your Excellency's announcement, shall have in due course been taken, the development of all ulterior determinations now kept back will be of no avail.

The Undersigned in the meanwhile has to inform your Excellency, with a view that you may bring the same to the knowledge of His Majesty the Tycoon, who will doubtless make the same known to the Mikado, that the indiscreet communication now made through your Excellency is unparalleled in the history of all nations, civilized or uncivilized; that it is, in fact, a declaration of war by Japan itself against the whole of the Treaty Powers, and the consequences of which, if not at once arrested, it will have speedily to expiate by the severest and most merited chastisement.

With respect and consideration.

(Signed) EDWD. ST. JOHN NEALE.

No. 50.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 27.)

My Lord,

Yokohama, June 24, 1863.

CONSEQUENT upon the payment of the indemnities demanded of the Government at Yeddo, I deemed it expedient to resume my diplomatic action, and with that view addressed a despatch of which the inclosed is a copy to Vice-Admiral Kuper. I have likewise the honour to inclose the Admiral's reply.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 50.

Lieutenant-Colonel Neale to Vice-Admiral Kuper.

Sir,

Yokohama, June 24, 1863.

I HAVE the honour to inform you that this morning, at one hour after midnight, I was verbally informed that the Japanese Government purposed immediately to pay the indemnities, and requesting to be informed at what hour the money might be brought to this Legation.

I replied that I would be prepared to receive the payments at 6 A.M., provided the whole amount of 440,000 dollars was brought together at one time, as the arrangements entered into with regard to its payment by instalments was null and void, and could not be renewed in consequence of breach of good faith of the Japanese Government.

I was assured that the whole amount would now be paid, and at 5 A.M., an hour before the time affixed, several carts arrived laden with dollars, which are in course of due reception. Under these circumstances I hasten to state that it will be desirable that coercive operations on the part of the squadron under your command should be arrested, while I enter upon communications with the Tycoon's Ministers for the satisfactory settlement of the remaining portion of the demands.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 50.

Vice-Admiral Kuper to Lieutenant-Colonel Neale.

Sir,

"Euryalus," at Yokohama, June 24, 1863.

I HAVE the honour to acknowledge the receipt of your despatch of this date, informing me of the payment by the Japanese Government of the indemnity of 440,000 dollars.

I have accordingly suspended the prosecution of the coercive measures about to be commenced.

I have, &c.
(Signed) AUGUSTUS L. KUPER.

No. 51.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 27.)

My Lord,

Yokohama, June 26, 1863.

I HAVE the satisfaction to inform your Lordship that the whole of the indemnity money, amounting to 110,000*l.* sterling, represented by 440,000 Mexican dollars, which I accepted at the average rate of exchange of 5*s.* per Mexican dollar, has been received and embarked in equal parts on board Her Majesty's ships "*Euryalus*," "*Encounter*," and "*Pearl*." A trifling expenditure has necessarily been incurred in shroffing and preparing the money for embarkation.

I purpose requesting Admiral Kuper to direct the conveyance of the treasure to Hong Kong, there to remain in custody of the Commissary-General until I shall receive your Lordship's instructions respecting its disposal.

I furnished a receipt to the Japanese authorities, of which I have the honour to inclose a copy.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 51.

Receipt.

Yokohama, June 26, 1863.

RECEIVED from the Governors of Foreign Affairs acting on behalf of the Japanese Government, and in three separate payments, that is to say, on the 24th, 25th, and 26th instant, the sum of 440,000 Mexican dollars, representing 110,000*l.* sterling, being the amount demanded of the Government of Yeddo by the British Government, as reparation for murders and outrages committed upon British subjects on the 26th of June and 14th September, 1862.

(Signed) EDWD. ST. JOHN NEALE,
Her Britannic Majesty's Chargé d'Affaires.
(Signed) G. R. JENKINS, *Special Accountant.*

No. 52.

Lieutenant-Colonel Neale to Earl Russell.—(Received August 27.)

My Lord,

Yokohama, June 27, 1863.

I HAVE the honour to inclose a copy of a despatch I have received from Mr. Consul Morrison, containing some observations on the progressive increase of our

trade with this country, although affected by the present situation of affairs. With reference to Mr. Morrison's concluding remarks, I avail myself of this opportunity of adding that the whole import and export trade of Japan with the Treaty Powers reaches no less a sum than 7,000,000*l.* sterling, of which one-half is in the hands of British merchants.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 52.

Consul Morrison to Lieutenant-Colonel Neale.

(Extract.)

Nagasaki, June 20, 1863.

NOTWITHSTANDING the present apparent tranquillity trade does not revive. Large transactions were concluded a few weeks ago, the native traders selling off their stocks of produce at greatly reduced prices, and buying foreign goods, of which they thought it desirable to lay in a supply.

The Treasury showed the example in this proceeding by getting rid of large quantities of produce held in monopoly by them (and so known as Treasury cargo), hitherto sold only to the Chinese Guild, in spite of frequent endeavours on the part of the Consuls to break through the system.

Want of money has unmasked their assertions that they had no more than was necessary to fulfil old contracts with the Chinese, and led them to pass a barrier which neither Treaty stipulations nor desire for profit could before induce them to do. The quantities sold within a few weeks to foreigners have amounted in value to nearly 160,000 dollars.

I inclose a Memorandum (furnished me by a gentleman here) showing the descriptions and quantities sold and on hand. The articles "awabi" and "irico" are shell-fish greatly consumed in China. All efforts to procure copper have been hitherto unavailing.

Treasury Cargo.

Estimated quantity.	Estimated value.
Sold, say 3,730 piculs irico	53,000 dollars.
" 2,042 " awabi	31,725 "
" 3,300 " copper	72,000 "
On hand, say 7,000 piculs irico.	
" 35 " awabi.	
In Miako 3,000 " copper.	
" 12 " shark fins.	

Nagasaki, May 1863.

(Signed) GEO. S. MORRISON.

No. 53.

Earl Russell to Lieutenant-Colonel Neale.

(Extract.)

Foreign Office, September 5, 1863.

YOUR conduct, as detailed in your despatches of the 20th and 24th of June, is approved by the Queen.

The entire payment of the indemnity required by the Tycoon is a proof that the Japanese are not regardless of our friendship.

The punishment of the murderers of Mr. Richardson will, I conclude from your despatch of the 24th of June, have been exacted before this time from Prince Satsuma.

The insolent intimation to foreigners to leave Japan has been properly answered by you, as well as by the Representatives of France and of the United States.

But the mysteries of Japanese intrigue, and of the hostilities which are said to be pretended, and may turn out to be real, cannot be fathomed at this distance, and Her Majesty's Government will not trammel you with needless or unsuitable instructions.

I am glad to find that you have on the spot so friendly and able a colleague as the French Minister, and that the Admiral derives such valuable assistance from the French Admiral.

It is very desirable that all the foreign Representatives should act harmoniously together, whether in peace or war.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 14.)

My Lord,

Yokohama, July 11, 1863.

HER Majesty's Consul at Hakodadi has recently transmitted to me two voluminous and interesting reports respecting passing political events and current rumours in this country, drawn up with much zeal and assiduity by Mr. Student Interpreter Lowder.

Press of time impedes my transmitting to your Lordship longer extracts than those which I send by this occasion.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure in No. 54.

Extracts from a Report by Mr. Lowder on the present State of Affairs in Japan.

THE merchants and common people in Hakodadi are, for the most part, firm friends of the foreigners. Three years ago they were very much displeased at the arrival of so many "tojins" (foreigners). During these three years, however, they have prospered and made so much money, that they have become strongly attached to us, and if it were not for restraints put upon them by their own Government, trade and mercantile business would be carried on in a way hitherto unsurpassed for profit and friendly feeling.

Those who formerly earned a scanty living by the most menial and degrading services are now the owners of large shops and godowns, and are daily making their fortunes. All this they attribute to intercourse with foreigners.

Nor are these friendly feelings confined to the people actually in Hakodadi. Thirty miles in the country the same opinions are expressed, not openly, as the farmers are afraid of being reported to the Government, but among friends and intimate acquaintances these opinions are freely put forward and discussed; and the good feeling entertained by these poor people towards foreigners has been experienced again and again, and often proved by their readiness to do all in their power to make those foreigners comfortable who go into the country either on pleasure excursions or for botanical purposes.

These friendly feelings have been also professed by several yaconins, who have known foreigners intimately. Many of them are strongly attached to us, our manners and customs, and have even gone so far as to say that in case of a war breaking out between the two nations they would not fight against their friends.

The Japanese are wholly dependent upon rice for their living. The wealth of the Government and of the Daimios depends upon the crops they gather in during the season. For some time past the Government has levied heavy taxes upon the Daimios in order to fortify their country. At the same time the Daimios have been storing up their rice in case of hostilities breaking out. The natural consequence of these deductions is, that their income has been gradually decreasing, and at the present time they complain very bitterly against the Government. They say, "We have given you all you require of us, but we see no improvements. Japan is not fortified, and you tell us you are not ready for war."

This scarcity of rice affects the working classes also no less than the Daimios. In many places the former are almost starved. The lower officials also, after expending a large portion of their small income in clothing (for they are obliged always to appear in silk), find that they have barely sufficient left to provide themselves with daily food.

There are some who attribute these difficulties solely to the Government. Others trace back the primary cause to the arrival of foreigners in Japan, saying that if foreigners had not come there would have been no fear of a war, and consequently no reason for the Daimios to store up their rice. The former, again, argue that the policy pursued by the Japanese Government towards foreigners has been such as to justify a war, and therefore maintain that the Government is responsible for all the present difficulties.

Again, the merchants and some few of the Daimios have gained so much money by their intercourse with European nations that they are very desirous that foreigners should remain in the country, and one or two of the latter have requested the permission of Government to open their ports to foreigners. They have in every case received the permission, but with a conditional clause, viz., that a Government Custom-house shall be

established at such a port, and that all trade shall be carried on through the Government officials.

From the foregoing remarks it may be gathered that, of the two factions, that which is favourable to foreigners is by far the most numerous.

On the 9th of the 3rd month Takemoto Kai no Kami (Ometské), Matsdaira Iwami no Kami (Governor of Kanagawa), and Owari Sama, having assembled the members of the Gorogio, met together in Yeddo to discuss what course should be pursued with regard to the demands of the English Government.

Owari Sama, being the first in rank, spoke as follows:—

“We are here assembled to discuss the question of entering upon a foreign war. The English have made a claim upon our Government for 3,000,000 dollars; they say if we do not pay this sum they will fight us. I have received instructions from the Mikado as to the course he wishes us to pursue. All the Daimios are at the present time very poor; and although we might carry on a war of a year or two, after this period our stores would be exhausted.

“It is impossible under these circumstances to begin hostilities with foreign nations. The Americans were the first to make a Treaty with Japan. They profess to have come here for the purpose of trading with our country, and pretend to entertain very friendly feelings towards us. I have therefore been ordered by the Mikado to request the American Minister to represent to the English authorities that we consider their demand upon the Government for indemnity for an outrage committed by Satsuma very unjust; that as nothing has been further from our thoughts than a war with foreign Powers, we are wholly unprepared to fight; and to request that the same friendly intercourse which we have enjoyed since their arrival may long continue to exist between us.

“The Gorogio have been assured by the American Minister that it is his firm opinion that these arguments, coming through him, will avail to delay the English from beginning hostilities.

“We do not know yet whether his conjectures are correct, but he begs us to put faith in his assertions. He may be deceived; the English seem as eager to fight, and as difficult to be restrained, as Satsuma himself.

“Be this as it may, there is no immediate danger of a war. We have been deeply insulted by the English, and must avenge the honour of our nation. Return, therefore, to your countries, and store up as much rice and provisions of all kinds as you can collect. Let no rice leave your territories, and turn all your saleable commodities into money. By this means we shall, in a few years, be enabled to drive the barbarians from our country.

“The Mikado has, moreover, ordained that Yokohama must be closed, and foreigners only permitted to reside at Nagasaki and Hakodadi. To effect this end without a war will be very difficult. Every artifice must be resorted to to induce them to leave. The members of the Gorogio must be careful and wise, and must not give up until they have exhausted every argument they can put forward to bring about the desired end without having recourse to arms.

“In the event of their refusing to leave Yokohama, the following Daimios are to take their positions at the places opposite their names, and thus surround Yokohama.”

No. 55.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 14.)

(Extract.)

Yokohama, July 12, 1863.

I HAVE the honour to transmit a copy of a despatch addressed to me by Mr. Consul Winchester, relative to the circumstances attending the firing into a steamer under United States' colours, named the “Pembroke,” by two Japanese armed vessels belonging to the Prince of Nagato.

Matsdaira Daizen no Daiboo, Prince of Nagato, is one of those Daimios of this country who has been consistently inimical to foreigners. He is known as the intimate friend of the Prince of Satsuma, and as the enemy of the reigning Tycoon and his Dynasty. In my despatch of the 23rd of February of this year I had the honour to transmit to your Lordship a copy of a remarkable letter addressed by this Daimio to the Tycoon expressive of his repugnance to foreign intercourse. His territories are situated in the southern extremity of the Island of Nippon; and one of his castles is situated at Hangi Tokuyama, on the sea-coast, and the other at Futziu, in the Straits of Van der Capellen.

Immediately upon this event having been made known to Mr. Pruyn, the United States' sloop of war "Wyoming," which was at this anchorage, is about to leave, ostensibly for Nagasaki, but I am informed, upon the best authority, to the locality where the outrage was committed, with the object of seizing the two vessels which had fired at the "Pembroke."

Inclosure in No. 55.

Consul Winchester to Lieutenant-Colonel Neale.

Sir,

Kanagawa, July 11, 1863.

I HAVE the honour to inform you that one of the Governors of Yeddo arrived here yesterday to give information of an event which has taken place in the Inland Sea.

I was requested to be present at the Custom-house this morning at 10 A.M., when the Governor from Yeddo stated that an American ship on the 10th day of the 5th Japanese month (25th June) entered the Bay of Nagato, and was fired into by two men-of-war belonging to the Prince of Nagato; after which the American vessel went away.

A rough report of this occurrence was received from the officers of the Prince of Nagato resident at Simonoséki, and was by the Governor of that town forwarded to Kioto and Yeddo. This occurrence has been communicated to the United States' Minister here, and further inquiry will be at once made into the subject.

It is believed that the vessel was the little American steamer "Pembroke" on her way from this port to Shanghae, via Nagasaki and the Inland Sea.

I have, &c.
(Signed) CHARLES A. WINCHESTER.

No. 56.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 14.)

My Lord,

Yokohama, July 13, 1863.

I HAVE the satisfaction of transmitting herewith to your Lordship the letter of apology addressed to me by the Japanese Government, expressive of regret at the murders and outrages committed in this country upon British subjects during the course of last year.

I transmit this paper in original Japanese, accompanied by a literal translation, as well as by a translation of the Dutch version.

Thus the demands I have been instructed to make upon the Government at Yeddo have been happily brought to a satisfactory and successful issue; not, however, without the most persistent efforts on my part to resist all difficulties and obstructions opposed by the distracted Government of this country at so serious a crisis.

In respect to the apology, however expedient I had deemed it to abstain from being over-exacting as to the terms in which it should be expressed,—especially as the payment at last, without comment, of the indemnity was of itself an acknowledgment of the justice of the reparation demanded,—still I was under the necessity of twice declining to accept two other written apologies tendered to me, as in translation they were obscure and undefined.

The third I conceive to be clear and acceptable; and it remains for me to trust it will be found sufficiently satisfactory by Her Majesty's Government.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 56.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Literal Translation from the Japanese.)

WE communicate with you by a despatch.

Last year at the British Legation in Yeddo a wicked and murderous act took place. Again, on the tokaido a British subject was murdered. Such unfortunate affairs were for us highly to be regretted. Thus we hope that affairs likely to break off the inter-

course between the two countries may not again arise. We desire to inform you thus much.

Respectful and humble communication.

(July 3, 1863.)

(Signed)

MATSDAIRA BUZEN NO KAMI.
INOWOYAY KAWATSI NO KAMI.
OGASAWARA JEWSIO NO KAMI.

(Dutch Translation from the Japanese.)

WIJ hebben de eer aan uwe Excellentie het volgende mede te deelen.

Werleden jaar is een gruweldaad en een moord gepleegd geworden in de Britsche Legatie te Jedo; en op nieuw op de tokaïdo, toen een Britsche onderdaan is vermoord en anderas gekwetst geworden.

Het doet ons ongemeen leed, dat deze betrenrens, waardige voorwallen hebben plaat gegrepen, en hopen dat zulke voowallen niet her haald zullen worden, waardoor de vriend-schappelijke betrekkingen tusschen beide Rijken verbroken konden worden.

Met eerbied en achting voorgesteld.

Dan 18den van 5de maand van 3de jaar var Boen-kue.

(W. g.)

MATSDAIRA BUZEN NO KAMI.
INOWOYAY KAWATSI NO KAMI.
OGASAWARA JEWSIO NO KAMI.

(Translation from the Dutch version.)

WE have the honour to send you the following communication.

Last year an outrage and murder was committed at the British Legation at Yeddo, and again on the tokaïdo when a British subject was murdered, and others wounded.

We are extremely sorry for these occurrences, and hope such events may not again occur to interrupt the friendly relations between the two Governments.

With respect and consideration,

18th day of the 5th month of the 3rd year of Bung-kew (July 3, 1863).

(Signed)

MATSDAIRA BUZEN NO KAMI.
INOWOYAY KAWATSI NO KAMI.
OGASAWARA JEWSIO NO KAMI.

No. 57.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 14.)

(Extract.)

Yokohama, July 13, 1863.

THE demands which Her Majesty's Government have made upon the Government at Yeddo as reparation for outrages committed upon British subjects having now been fully satisfied, I have the honour to report to your Lordship that unless any unforeseen incidents should intervene, I purpose, within a few days, to execute my instructions in respect to the Prince of Satsuma, which a combination of circumstances rendered it necessary to retard until the other demands had been acceded to.

Vice-Admiral Kuper has kindly offered to accommodate me and some of the members of this Legation speaking Japanese on board his flag-ship. I have deemed it advisable to be present when communications are opened with the Prince of Satsuma. The veil which has hitherto hidden from us the real sentiments and intentions of this Chief and other powerful Daimios of this Empire, from whom we have been so scrupulously secluded by the Tycoon's Government, will, I trust, in some measure be removed.

The Admiral purposes to proceed with his flag-ship and the greater portion of his squadron, leaving the "Encounter" and two smaller vessels at this anchorage. Yokohama, under the political circumstances which have of late sprung up, by which the Tycoon's and Mikado's parties are fully occupied in their rival contentions, has by a strange anomaly been voluntarily left to be defended by the British and French Admirals, and is at present in no degree menaced with danger from molestation or attack.

No. 58.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, September 22, 1863.

HER Majesty's Government accept as satisfactory the apology of the Japanese Government for the murderous outrages committed last year on British subjects, which is inclosed in your despatch of the 13th of July; and they approve your having consented to the terms in which it is drawn up.

I am, &c.
(Signed) RUSSELL.

No. 59.

Earl Russell to Lieutenant-Colonel Neale.

(Extract.)

Foreign Office, September 22, 1863.

YOUR despatches to the 13th of July have been received and laid before the Queen.

I have the satisfaction of informing you that Her Majesty's Government approve your conduct as reported in these despatches, and that they are glad to find that you have obtained the indemnity and the apology which you were instructed to require.

You will thank the French Admiral and Chargé d'Affaires for their judicious co-operation.

No. 60.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 26.)

My Lord,

Yokohama, July 28, 1863.

I HAVE the honour to transmit, for the information of your Lordship, copies of a correspondence which has taken place between Vice-Admiral Kuper and myself upon the subject of the departure of the squadron for the territories of the Prince of Satsuma.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 60.

Lieutenant-Colonel Neale to Vice-Admiral Kuper.

Sir,

Yokohama, July 15, 1863.

THE demands which I have been instructed to make upon the Government of the Tycoon at Yeddo, as a penalty upon Japan for murders and outrages committed upon British subjects, having been fully satisfied, it becomes my duty to carry out the remaining portion of my instructions, which relate to the reparation to be sought from the Daimio Prince of Satsuma, whose adherents were in one case the perpetrators of those outrages, but whose subjection to the Tycoon's authority is avowedly restricted.

The moderation and patience which has hitherto attended my relations with the Japanese Government has resulted so far in the successful accomplishment of my instructions; I deem it, however, to be incumbent upon me to lose no further time in discussions with the Japanese Ministers with regard to the dependence or independence with which the Prince of Satsuma may be subjected to or be invested.

I have, therefore, the honour to request you to direct such portion of the squadron under your command as you may deem expedient to proceed, as early as practicable, to the territory of the Prince of Satsuma, with the view that I may be enabled to prefer the demands I have been instructed to make, and, in the event of a refusal on the part of the Prince to accede to those demands, that I may be in a position to call upon you to adopt such coercive measures as you may consider best calculated to enforce their acceptance.

I think it highly desirable that I should be present when the demands are preferred, as the Prince of Satsuma may not improbably make communications of a political character, which, in such case, it would be necessary for me to take into consideration before or during the continuance of coercive operations.

With this view I have the honour to request you to be so good as to direct that accommodation be afforded to me on board the squadron under your command, as well as for four or five members of this Legation, nearly all of whom speak the Japanese language, and might be usefully distributed, as you may deem convenient, over the ships.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 60.

Vice-Admiral Kuper to Lieutenant-Colonel Neale.

Sir; "Euryalus," at Yokohama, July 17, 1863.
IN reply to your letter of the 15th instant, I have the honour to inform you that arrangements will be made for a portion of the squadron under my command to proceed to the territory of the Prince of Satsuma, and for the reception on board of yourself and such members of the Legation as you may consider necessary to accompany you.

I have, &c.
(Signed) AUGUSTUS L. KUPER.

No. 61.

Lieutenant-Colonel Neale to Earl Russell.—(Received September 26.)

(Extract.)

Yokohama, July 29, 1863.

AT the close of the last mail I was enabled to address your Lordship for the purpose of transmitting the written apology of the Tycoon's Government for outrages committed during the course of last year upon British subjects. The money indemnities had already been paid, and thus my instructions, as far as they regarded exclusively the Government at Yeddo, had been successfully carried out.

At this moment the most unexpected intelligence was received here that an American merchant steamer proceeding from hence by the Inland Sea to Shanghae had been fired into with heavy artillery, by some armed vessels belonging to the Daimio Prince of Nagato, Matsdaira Daizen no Daiboo, in the narrow straits of Simonoseki. The United States' steam-sloop "Wyoming," Captain Macdougall, at anchor in this harbour, immediately proceeded to the scene of this occurrence, with the intention of boarding and seizing the steamer and brig bearing the Japanese flag above referred to.

At the period that this outrage was enacting, the Netherlands corvette of 16 guns "Medusa," quitted Nagasaki for Yokohama with the Dutch Consul-General on board. Information had been received at Nagasaki of the "Pembroke" having been fired into; but Captain de Cazembroot, commanding the "Medusa," nevertheless determined upon proceeding by the Inland Sea and through the Straits of Van der Capellen or Simonoseki, judging it to be little probable that the Prince of Nagato would venture to fire upon a ship of war, more especially bearing the flag of a nation long allied in terms of friendship with Japan. The "Medusa," however, upon her entry into the Straits received the concentrated fire of eight batteries, and of the armed vessels which had fired into the "Pembroke."

During the interval further intelligence reached Yokohama that the French aviso "Kien-chang," bearing a pennant, and bound from hence to Shanghae, had, when at anchor in the Straits, been fired upon by the same vessels and batteries, and hulled in seven places, narrowly escaping destruction by slipping her cable, and running out by the Bungo Channel.

Upon receipt of this information at Yokohama, the French Admiral Jaurès, within the space of twenty-four hours, departed with his flag-ship the "Semiramis," and gun-boat "Tancrede."

The destruction of one of the batteries, guns, and munitions of war, by the French Admiral, is minutely described in a semi-official letter addressed by the interpreter attached to the flag-ship to the editor of the local paper, upon the return of the "Semiramis," which was absent a week from this anchorage, a copy of which I have the honour likewise to inclose.

In the meanwhile the United States' sloop "Wyoming" returned, having entered

the Straits, engaged the batteries and ships, doing much damage to the latter, but obliged, notwithstanding, to return without having accomplished the full object of her mission.

An accurate statement, as I am assured, of the operations of the "Wyoming" is contained in the inclosed extract from the "Commercial News."

Subsequent to the departure of the French Admiral in his flag-ship, Admiral Kuper dispatched Her Majesty's ship "Coquette," on the 20th, to communicate with Admiral Jaurès, and to be at his disposal in case of need. The "Coquette" was not fallen in with, however, by the "Semiramis," on her return, and at the hour at which I am writing has not returned. It is a subject of much speculation, therefore, whether she has entered the Straits, been fired at, and engaged the batteries, thus completing the series of outrages and insults directed against the flags of three of the Treaty Powers.

In the meanwhile it became imperative, in the opinion of my colleagues of France, the United States, the Netherlands, and myself, that we should meet in conference with reference to these events; and the result of our deliberations, unanimously agreeing to suggest a conjoint action on the part of the Naval Commanders, is set forth in the Minutes a copy of which I have the honour to inclose.

In accordance with one of the Resolutions adopted, I have transmitted a copy of our proceedings to the Gorogio at Yeddo, accompanied by some observations on my own part, a copy of which I have likewise the honour herewith to inclose to your Lordship.

In common with my colleagues I feel utterly unable satisfactorily to penetrate the mysterious policy and proceedings of the Tycoon's Government, if, indeed, any defined policy with regard to foreigners is determined upon.

In words, the Tycoon's Envoys have assured my colleagues of France and myself that the Mikado's edict of expulsion, conveyed to the Representatives of the Treaty Powers as a matter of obligation by the Tycoon, was a dead letter with respect to all action in regard to it. The defence of Yokohama has been left to the unrestricted care of the British and French Admirals, so far so, indeed, that the Admirals have been applied to by the local authorities with reference to the changes of post and movements of their own Japanese guards in this vicinity.

Trade is conducted uninterruptedly, and provisions are freely supplied to the fleet at Yokohama and to the foreign inhabitants. Pilots are readily supplied when required by the ships of war which have proceeded to chastise the outrages committed by the Daimio of Nagato. Those pilots have discharged their functions under the destructive fire of the batteries manned by their own countrymen. Public works connected with the foreign Settlements are scrupulously continued without cessation. And finally (though above all), the indemnity money, amounting to the considerable sum which it does, was quietly paid to me without the firing of a shot. And the apology required rendered under no influence of immediate pressure.

On the other hand, the Tycoon's Ministers carefully abstain, on all occasions, to declare or define of whom consist the hostile party. No expression of regret has escaped them in regard to the enormous outrages and insults enacting in the Inland Sea; no assurances that they shall cease; nay, further, when questioned recently by my colleague of France as to the course which would probably be pursued by the Tycoon upon hearing of the outrages which had been committed, the Envoy replied that the Prince of Nagato might very probably have been ordered to fire upon all foreign ships, and that in such case his conduct would be approved, and that, therefore, the Tycoon would be bound to assent to such approval, at least in appearance. Steam-ships and munitions of war continue to be purchased by the Tycoon's Government. Troops are conveyed to Osaka, for the ostensible purpose of protecting the Tycoon himself, but it is not said against what enemies. In general, all confidence with foreign Representatives is withheld.

Amidst these conflicting facts and perplexing circumstances, your Lordship will readily conceive that I cannot possibly or with prudence lay down for my guidance any very defined course of action with respect to the contending parties in Japan. So long as trade is uninterrupted and the Settlements unmolested, I will not evoke or forcedly precipitate the dubious action of the Tycoon's Government at Yeddo, until, at least, it is indubitably hostile.

Inclosure 1 in No. 61.

Extract from the "Japan Herald."

To the Editor of the "Japan Herald."

Dear Sir,

I AM authorized by Admiral Jaurès, Commander-in-chief of the French forces in China and Japan, to communicate to you the following account of the proceedings of His Imperial Majesty's ships "Semiramis" and "Tancrede," and my own experiences in the recent retaliatory visit of those ships to the Straits of Simonoseki.

We left Yokohama on the morning of the 16th, and arrived in the Bungo entrance to the Inland Sea on the morning of Sunday, the 19th. We anchored in the channel and prepared for action.

Early on the morning of Monday we ran, under slow steam, into the entrance of the Simonoseki Channel, looking out for the batteries. When about two miles from the Nagato side of the channel we saw the flashes and smoke of two guns fired from the midst of the trees, and soon after made out Cho-fhoo, the castle of Saki-noski, a member of Matsudaira Daizen no Daiboo's family, and on proceeding a little further on, on the same *i.e.*, northern, or Nagato side, a battery of five 25-pounder guns. The Admiral decided upon the destruction of this battery, and not of the castle. We then came to anchor about three-quarters of a mile from the battery, near the village of Tanoura, in the Province of Bouzen. When anchored, it was found that the current put us stem on to the battery. About half-an-hour was spent in putting springs on our cable, and a hawser to a Japanese junk moored at some distance from us.

During all this time the Japanese gunners remained at their guns, not even pointing them at us; had they done so, they might have raked us fore and aft; we therefore thought that the guns were fixed in the one position, *viz.*, pointed up the narrowest part of the channel, but when we took the battery we found this not to be the case, the guns being perfectly mounted on good European-fashioned carriages. When broadside on, the frigate fired a 60-pounder rifle-ball, which went right over the battery. The second carried right into the middle of the parapet, and sent earthwork and stones, turf and sand-bags, flying around in every direction. Still no answer was returned by the Japanese.

We continued the bombardment till nearly 11 o'clock, sending in the shells every five minutes, and making beautiful practice. I was then sent on shore, in company with M. l'Abbé Girard, to the town of Tanoura to distribute the Proclamation of Admiral Jaurès to the effect that the country people had nothing to fear on that side, that he had come only to punish the Prince of Nagato for having fired into a vessel under the French flag, and inviting them to send provisions on board against payment.

We found our way to the house of the Mayor without difficulty, not being molested in any way by the people, who crowded round us in great numbers, and we were received by this official with all honours and politeness. He thanked us for the Proclamation, and in our presence sent it by a messenger to the Prince of Bouzen.

During this trip on shore I had heard both the frigate and the "Tancrede" recommence their fire, and on going on board I learned that the Admiral had ordered the "Tancrede" to run in towards Simonoseki, and that, when she came into the narrowest part of the passage, the battery opened fire upon her; our guns, however, soon silenced the battery. I saw one gun toppled over by a shell, and two or three Japanese gunners fly into the air. The "Tancrede" was hit in three places; one shot went into her hull, one into the mizen topmast, and one cut away the fore-topmast, which only stood then by the stays.

At noon, after the men's dinner, the Admiral ordered a landing, and I had the good luck to be ordered to accompany Captain Duquilliot, the Commander of the troops. We landed in all 250 men, 180 sailors and 70 Chasseurs of the 3rd Bataillon d'Afrique.

On nearing the shore to the right of the battery, protected from her by a projecting bluff, the boat's rifled gun sent a few shells into the bushes as a precaution, but nobody stirred. We landed in good order, and made, in three divisions, for the battery. After we had well entered into the bushes, we were attacked by the Japanese in several isolated troops of three or four, some with rifles, some with swords, but most with old Brown Bess, of Dutch manufacture. These lay concealed, aiming at us as we approached. They were immediately charged and bayoneted. Some few made a stand, but generally took to immediate flight. I think there must have been about twenty killed this way.

Passing through this brushwood, we came upon the battery. It was quite deserted. The parapet was all ploughed up by our shells. One gun lay upset; another had its truncheons knocked off, and pools of blood in all directions. The dead had all been carried

away. In a hollow road behind the battery we found some clothes soaked with blood, and some accoutrements. The guns having been spiked, the Commandant ordered brushwood, mats, and all other inflammable materials to be placed under the gun-carriages, which were then fired. The powder-magazine was found outside the battery, in a very safe position in a hollow road. The powder and all the ammunition was thrown into the sea.

While this was going on in the battery, M. Layrle, Chef d'Etat-Major of Admiral Jaurès, advanced by the right of the battery (keeping up a continual fire with Japanese hid in the bushes) to a village called Aidaga-mome, which was abandoned by the peasants, and evidently used as dwelling-places for the troops belonging to the batteries. In the middle of this town there was a large building a little way up the hill, half temple half palace like, in which there was found a great deal of powder and ammunition, which, having been fired by us, blew up with a tremendous noise just as we were re-embarking.

On entering the battery I went at once to the principal building, where I found a good quantity of Japanese armour and arms, but no one in the house. In looking about I found several Japanese translations of Dutch books on fortification and gunnery, one of which (which I have now in my possession) was marked at the page where it treats of attacking ships that are carried away by the current.

Having thus accomplished our object, destroyed the battery and guns, and also burned the village (the quarters of the soldiers), we re-embarked.

I must not forget to mention that during the re-embarkation the frigate, the "Tancred," and the boats' guns opened a heavy fire on some spot to the right of us, but hidden by the bushes. On going on board I learned that they had seen about 2,000 Regular Infantry, some men on horseback, and even field artillery, coming down upon us from Simonoseki by the road along the shore. They fired a few shells amongst them, which, exploding in their midst, did them considerable damage, and they speedily retreated.

We had in all three men wounded, belonging to the Chasseurs, two by musket-balls and one by a stab of a dagger of a Japanese who was lying wounded on the ground, and stabbed him as he passed by.

It is difficult to arrive at any estimate of the casualties of the Japanese, but there was abundant testimony in the batteries that their loss there must have been very considerable, besides that which the shell-practice, at a range of 3,000 yards, did upon their advancing column.

I remain, &c.
(Signed) F. BLEKMAN,
Interpreter attached to the French Admiral.

Inclosure 2 in No. 61.

Extract from the "Japan Commercial News" of July 24, 1863.

WE are indebted to the kindness and courtesy of D. de Graeff van Polsbroek, Esq., His Netherlands Majesty's Consul-General in Japan, for the following authentic account of the attack upon the "Medusa" in Simonoseki Bay; and to Captain de Casembroot, of the "Medusa," for the interesting map of the Bay of Simonoseki, which we publish this day for the information and gratification of our readers:—

"On the 9th instant His Netherlands Majesty's steam-ship 'Medusa' (16 guns) left Nagasaki on her way to Kanagawa by the Suo-o Nada or Inland Passage, and at some distance from Nagasaki she met His Imperial Majesty's despatch-boat 'Kien-chan,' Commander Lafond, who informed the 'Medusa' that she had been fired upon by the forts at Simonoseki and by two foreign-built vessels (one under the Japanese flag) lying in that harbour.

"The Captain of the 'Medusa' had previously decided to pass through the Inland Sea, and therefore had a Japanese pilot provided by the Governor of Nagasaki.

"On the morning of the 11th of July the 'Medusa' weighed anchor in the neighbourhood of Ay-sima, where she had awaited daylight to run into Simonoseki Straits. On entering this strait two blank shots were fired from one of the batteries, and were immediately answered by eight similar ones from the brig before the town. As yet the 'Medusa' did not think that these signals would be followed by any hostile act, more especially as the opposite shore of Kiu-siu was lined with native junks. Having approached the brig, she and a barque, without any flag, and a very heavily armed battery on the hill opened fire upon the 'Medusa.' Upon the brig ('Lanrick') flew the flag of the Daimio of Nagato—being a blue flag with three white balls in a triangle and

a white stripe above; from the peak no flag flew. The two vessels lay behind a bank in about two fathoms of water, and therefore the 'Medusa' could not possibly approach them nearer than three cables' lengths. The 'Medusa,' after the manner of all ships of war, immediately responded to the forts and the ships with shot and shell.

"Steering slowly up the stream the 'Medusa' kept up a constant fire against the ships and batteries, the latter being all armed with heavy artillery (mostly 24-pounders and 6-inch shells). It was already discovered that there were six batteries at least. The 'Medusa' silenced the biggest of them, which mounted eight very heavy guns, but the others, which were behind trees and rocks on the heights, kept firing away upon her. A few well-directed shots from the 'Medusa' somewhat staggered the firing on board the two ships, but she got it all the heavier from the batteries on shore as she was steaming past within reach of them.

"She being exposed to the cross-fire of four batteries in front of Simonoseki, and the correct aim of the enemy's shot and shell having begun to tell on the hull of the 'Medusa,' the Commander was induced to give up all idea of sinking the two ships, which unfortunately were in too shallow water.

"It became now a matter of impossibility to return with effect the fire of all the batteries which fired on the 'Medusa,' and she being in doubt also as to the intentions of some batteries on the Kiu-siu side, she determined to make a dash through the Straits, firing as quickly as she could all the time. To prevent the great disaster of having her boiler, screw, or rudder hit by the large calibre of the enemies' shot, she determined to steam slowly through, answering the enemies' fire all the time.

"When it is considered that the 'Medusa' was under a heavy fire from seven batteries for an hour and a-half, it is wonderful that she did not sink, and that she has to deplore the loss of so few men killed.

"Of thirty-one enemies' shots, seventeen pierced the hull of the 'Medusa,' the remainder passing through her rigging and funnel; three 8-inch shells of the enemy burst on board. A 30-pounder shot killed three and wounded two men in one battery on board the 'Medusa.' A similar shot soon after struck a sailor of the first class commanding a gun, inflicting a mortal wound on him from which he died soon after. The Consul-General had a very narrow escape from being killed by this ball, which passed quite close to him. Another ball entered the starboard, smashing a pistol-rack and scattering splinters and balls in all directions, and wounding two sailors very severely; those are still in a dangerous state. This particular ball passed between the Captain and Midshipman Wissel, both having a narrow escape, but suffering only slight injuries from splinters. Lieutenant Thurkow and a non-commissioned officer also had a miraculous escape from another ball which entered the ship. The manner in which splinters and bolts flew about the ship was indescribable.

"Considering that three shells had exploded on board, and that seventeen balls had entered the ship and caused her much injury, it is astonishing that only four men were killed and five wounded.

"The orders of the Commander were carried out with the greatest coolness, and the men behaved very well—few of them having ever been under fire before.

"It is impossible to determine the loss of the enemy, but it must be considerable, as they mustered in great force in the batteries, and the 'Medusa's' grape-shot and 8-inch shells told with great effect among them, and must have caused great destruction in the batteries. All her shots which missed the batteries went into the town, whereas all the enemy's shots which missed the 'Medusa' went into the junks beyond her on the Kiu-siu side. In the broadest part the strait is about 1,200 Dutch yards wide, and in the narrowest about 900 yards wide."

We have been furnished the following account of the trip of the United States' steamer "Wyoming," by E. S. Benson, Esq., who was passenger on board:—

"Information having reached Yokohama on the 11th instant that the American steamer 'Pembroke' had been fired into by two Japanese armed vessels, Captain Mc Dougal immediately issued the necessary orders to prepare for sea. Coal and stores having been taken on board, we got under weigh at 5 o'clock on the morning of the 13th instant, entered the Bungo Channel on the 15th, and anchored at the Island of Hime Sima. The next morning (16th instant) we proceeded towards the Straits of Simonoseki, the western entrance of the Inland Sea. On the northern shore of the narrow passage is the Province of Nagato, governed by the Prince of Tchu-shu.

"Within the past year he purchased the steamer 'Lancefield' and brig 'Lanrick,' the former for 125,000 dollars, and the latter for about 25,000 dollars.

"On nearing the Straits a signal gun was fired from a masked battery on the northern shore, which was repeated by two others to the westward towards Simonoseki."

"Rounding the point on the southern side of the entrance, a barque, brig, and steamer were discovered lying at anchor close to the north shore; the steamer and the brig were immediately made out to be the 'Lancefield' and 'Laurick,' the barque's name we did not know. All the vessels were flying the Japanese flag at the peak, and the private colours of the Prince of Nagato at the main. We now steered directly for the vessels, when a battery of three guns on the northern shore, about 50 feet above the level of the sea, opened fire on us, cutting up the rigging between the main and mizen mast. We then ran up the American flag, and, still steaming on, were fired on by a battery of four guns: to this we replied with a broadside.

"We were now rapidly approaching the vessels; the barque was close in-shore; about fifty yards outside of her, and one length ahead, lay the brig another length ahead; and fifty yards outside the brig was the steamer.

"The main channel was outside of all these vessels. Captain McDougal gave orders to run the 'Wyoming' between the steamer and the brig. As we got abreast of the barque she opened a broadside fire from three guns; in less than two minutes we were abreast of the brig and received her fire from four brass 23-pounders. We now had the steamer on our port side, her guns, like the others, being trained on the channel, she fired a few swivels and small arms only. In passing we gave then all our guns on both sides hulling both the brig and steamer. Keeping close round the bows of the steamer we stood over towards the southern shore receiving a constant fire from six batteries, the steamer, brig and barque. We here got aground, but backed off without much difficulty. The steamer 'Lancefield' having steam up, slipped her cable, keeping close along the northern shore, either with the intention of escaping or of running on shore to examine the damage caused by our first shots. The 'Wyoming' was now manœuvred into position and a 11-inch shell was planted in the steamer direct amidships, about one foot above the water line. In an instant, volumes of steam and smoke issued out of her fore and aft; her boiler was exploded. After dropping two more shells into her hull, the order was given to cease firing on the steamer, and to direct the shots upon the different batteries, the barque and the brig, all of which were loading and firing as rapidly as possible. Quite a number of shell exploded in the batteries, and considerable damage was done to the town.

"In passing out of the Straits we delivered a few very effective shots into the brig, and the last seen of her she was fast settling by the stern; the fire from the batteries was kept up throughout, but somewhat slackened on our return.

"By that time we had four men killed outright and seven wounded (one since died). The armament of the 'Wyoming' being only four 32-pounders and two pivot guns, opposed to six shore batteries of an average of three guns each, the barque six, the brig eight, and the steamer two; making in all, thirty-four guns, mostly 32-pounders,—Captain Mc Dougal very wisely concluded to withdraw from so unequal a contest and proceed to Yokohama for more force. The Captain, all his officers, and crew behaved with the utmost coolness and bravery. The 'Wyoming' was run into the midst of the enemy's vessels, receiving and returning broadsides at pistol range, at the same time sustaining a hot and continuous fire from shore batteries. When the successful shot struck the steamer our crew gave three hearty cheers. The action lasted one hour and ten minutes; we were hulled eleven times, and received twenty or thirty shots in the masts, rigging, and smoke-stack.

"One 32-pound shell came through, immediately below the tackles of the forward broadside gun, and exploding, killed one man and wounded five others."

Inclosure 3 in No. 61.

Agreement entered into by the Representatives of France, the United States, Great Britain, and Holland, to take immediate measures for the Reopening of the Inland Sea.

LES Soussignés, Représentants au Japon de la France, des Etats Unis, de l'Angleterre, et des Pays Bas, se sont réunis le 25 Juillet, 1863, à Yokohama, à l'effet d'examiner l'état actuel des choses au Japon, et de prendre à cet égard une résolution.

Après discussion il a été convenu qu'il est indispensable pour le maintien des droits consacrés par les Traités conclus avec le Japon de procéder immédiatement à la réouverture de la Mer Intérieure, toujours pratiquée jusqu'à présent, et dont la libre circulation vient d'être inopinément interrompue par les agressions outrageantes dont le Daimio de

Nagato s'est rendu coupable en faisant canonner des batteries érigées sur les côtés de ses États les bâtiments de commerce et de guerre de plusieurs des dites Puissances Contractantes, et qu'en conséquence il y a lieu d'inviter les Amiraux et autres officiers commandants les forces navales des Puissances ci-dessus désignées à prendre toutes mesures qu'il jugeront propres à amener ce résultat.

Dans ce but, aussi bien que dans l'intérêt de la protection de leurs nationaux dans les ports ouverts, les dits Représentants déclarent qu'il leur paraît nécessaire d'établir une action combinée des forces navales et militaires disponibles dans ces mers. Il est en outre convenu que le Gouvernement du Taïcoun sera informé de cette décision afin que ce Gouvernement soit mis à même de prendre immédiatement et activement, s'il le peut, les mesures nécessaires pour effectuer par ses propres moyens les objets seul indiquées, attendu que son action, si elle était aussi énergique et prompte que les circonstances actuelles l'exigent, pourrait dispenser les Agents des Puissances Contractantes de se livrer aux opérations dont les Soussignés ont exposé ci-dessus les motifs.

(Signé) DUCHESNE DE BELLECOURT, *Ministre Plénipotentiaire de Sa Majesté l'Empereur des Français.*
 ROBT. H. PRUYN, *Minister Resident of the United States in Japan.*
 EDWD. ST. JOHN NEALE, *Her Britannic Majesty's Chargé d'Affaires.*
 D. DE GRAEFF VAN POLSBROEK, *Consul-Général des Pays-Bas au Japon.*

Inclosure 4 in No. 61.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, July 28, 1863.

THE Undersigned has the honour to transmit to your Excellencies a translation of the resolutions arrived at by the Representatives of France, the United States, Great Britain, and the Netherlands in Japan, at a meeting held by them on the 25th July.

The outrages and insults which the Daimio of Nagato, Matsdaira Daizen no Daiboo, has ventured to undertake by firing into the ships of war of France, the United States, and the Netherlands, is looked upon by the Undersigned as an attempt to carry out the edicts of the Mikado, communicated through the Tycoon, for the expulsion of foreigners.

This will be resisted by a force the extent of which cannot at present be contemplated.

No reasonable man in Japan can doubt as to what must be, even in one year, the fate of this country if the outrageous and lawless attempt to cancel solemn Treaties by treacherous and violent acts is not immediately abandoned.

But if there are Daimios in Japan who do not understand that the solemn obligations imposed by Treaties cannot and never have been set aside by violence in any part of the world, the whole people of this country will suffer by the ignorance or unreasonable arrogance of those Daimios.

The Ministers for Foreign Affairs of the Tycoon have, however, within the last few days, informed the Minister of France that the Tycoon's Government is able to punish Daimios who commit acts of war or other outrageous deeds. If so, let the Government with all speed destroy the batteries of the Daimio of Nagato and remove his guns.

But it is essential that the Tycoon's Government should perfectly understand that there are certain acts which, according to the law of all civilized nations, must instantly be resented, and above all others is an insult offered to a national flag.

Vessels under the flags of the United States, of France, and the Netherlands, have been successively fired into, and men have been killed and wounded among their crews; and the ships of those nations have inflicted a preliminary punishment upon this Daimio and his vessels and forts. No delay is admissible in the destruction of these batteries. The first foreign vessel fired upon by this Daimio, namely, the American vessel "Pembroke," was on the 26th June; thus thirty days have now elapsed during which the Tycoon's Government might have arrested the outrages of this Daimio if enabled to do so.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

No. 62.

Lieutenant-Colonel Neale to Earl Russell.—(Received October 28.)

My Lord,

Yokohama, August 25, 1863.

I HAVE the honour to transmit a translation of a letter addressed to me by the Tycoon's Ministers, informing me of His Majesty's return to Yeddo.

It is the prevailing belief that the Tycoon left Miako much against the will of the Mikado, and that he eventually resorted to some show of menace by the array of his personal troops and guards before he effected his object of returning to his capital.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 62.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE send you the following communication :—

His Majesty the Tycoon returned to the castle here yesterday, the 16th (July 31st), travelling by water.

Our colleagues Midzoono Idzumi no Kami and Itakoora Soowo no Kami likewise returned, forming part of his suite.

With respect and consideration.

17th day of the 6th month of the 3rd year of Bung-kew (August 1, 1863).

(Signed)

MATSDAIRA BUZEN NO KAMI.

INOWOYAY KAWATSI NO KAMI.

No. 63.

Lieutenant-Colonel Neale to Earl Russell.—(Received October 28.)

(Extract.)

Yokohama, August 26, 1863.

I HAD the honour to inform your Lordship, upon closing the last mail, that I was on the point of embarking on board the flag-ship of Vice-Admiral Kuper, and of proceeding with the squadron under his command to Kagosima, the capital of the Prince of Satsuma. I deemed it right to acquaint the Tycoon's Government of my intentions; and I accordingly addressed them a letter, a copy of which I have the honour to inclose. I promptly received a reply, soliciting me, at least, to postpone the projected expedition. I had hardly received this written communication, a copy of which is likewise inclosed, when a Vice-Minister came down from Yeddo and sought an interview with me, on the 5th instant. Far from urging further arguments to dissuade me from the intention of proceeding to the territory of Satsuma, he stated that the Tycoon's Government purposed sending a Japanese steamer with us, having a high official on board. No steamer, however, appeared then or at any subsequent period.

The squadron, consisting of Her Majesty's ships "Euryalus," "Pearl," "Perseus," "Argus," "Coquette," "Racehorse," and "Havoc," weighed from its anchorage at Yokohama on the 6th instant.

I was accompanied by most of the members of Her Majesty's Legation, distributed over Her Majesty's ships,—their more or less proficiency in the Japanese language, it was deemed, might be highly useful, and the result has confirmed this expectation.

Under easy steam and sail Her Majesty's squadron reached the entrance of the Bay of Kagosima on the evening of the 11th instant, and anchoring-ground was found about 10 P.M., after some difficulty, in the extreme depth of water which was found generally to prevail in that noble bay.

Early in the morning of the ensuing day the first boat, containing two officials, came off from the shore to the flag-ship. They inquired the nationality of the ships, whether it was our intention to proceed farther into the bay, whether a native pilot was on board, what number of guns the ship carried, and other questions of this nature, which, having been replied to, the boat returned to Kagosima.

Her Majesty's squadron, a few hours afterwards, weighed and cast anchor off the batteries of the town. A second boat with four other officials came off immediately to the flag-ship, and stated that it was understood to be the intention to deliver a letter

addressed to the Prince of Satsuma. My despatch, as originally written, a copy of which I have already had the honour to transmit to your Lordship,* and amended only in respect to the altered dates, together with a supplementary letter announcing the Admiral's arrival with the squadron, and my own presence on board, were delivered to the officials, who undertook to return, with a receipt, copies of both of which, in their amended form, I have the honour to inclose.

This they did in a few hours, and at the same time informed me that the Prince of Satsuma was not at Kagosima, but at a residence inland, about fifty miles distant; the officials again came on board, and stated that they were charged by the three members composing the Prince of Satsuma's Council to request that Admiral Kuper and myself would come on shore, where a building for the reception of foreigners had been specially arranged for our interview. Great anxiety was evinced that we should accede to this proposal; and they urged that it would be impossible to commit to writing all that might be discussed. Admiral Kuper fully concurred with me in replying that the only business which had brought us to Kagosima was fully set forth in the despatch I had presented, and which was clearly conveyed in three languages—English, Japanese, and Dutch. We declined to proceed on shore, or enter into any discussions. The officials departed much disconcerted that we should not land. Viewed by the light of the occurrences which followed, it may be well assumed that treachery and violence was in store for us had we unsuspectingly fallen into their designs.

On the 13th instant several officials, one of whom was stated to be of superior rank, again came alongside the flag-ship, accompanied by numerous two-sworded adherents in several boats. They entered into a long parley before coming on board; requested to know whether I would personally receive the high official; of this they were assured. They then requested permission that he should be accompanied on deck by at least forty of his adherents, which was acceded to by the Admiral, who at the same time directed a guard of marines to be drawn up, with fixed bayonets, facing the gangway by which they entered. Upon reaching the deck these armed retainers of Satsuma were disposed of in single file along the line of guns, and at once assumed their natural position of sitting in a kneeling attitude. The high personage referred to then finally decided upon ascending the ship's side. I received him, the Admiral being present, when he exhibited the utmost agitation and confusion; he was speechless; when one of his attendant officers stated that he was charged to speak for his chief; and that he had to inform me that he was the bearer of the written reply to my despatch, but that they had some serious matters to add in connection with it.

No sooner had he proceeded thus far, when it was found that a boat, waving a flag, had reached the ship and communicated something, which, when made known to the chief official, caused him to rise suddenly and leave the cabin, return to it, and leave it again. Finally, I was informed by him that he must return to the shore immediately, as he had received a message to the effect that a mistake had been made in the despatch, which must be rectified; upon which he hurriedly left with the undelivered despatch, if, indeed, he had been the bearer of any such.

During the interval occupied by these communications the batteries on shore were constantly manned, and the guns diligently trained and pointed at the ships of the squadron, and especially on the flag-ship, the whole of them being within range.

These and other suspicious circumstances induced the Admiral to determine upon shifting the anchorage of the squadron to as convenient a position, though still partially within range, as the extreme depth of the water would admit.

As the Japanese officials were descending the ship's side, the anchors of the squadron were weighing.

Contrary to my expectation, the official last referred to returned late in the evening to the flag-ship at the new anchorage, and delivered into my hands the answer to my despatch preferring the demands. A careful translation of that document I have here the honour to lay before your Lordship. Having no further communication to make to me, the bearer of the letter left the ship.

I deemed the general tone and purport of this reply of Satsuma's Councillors to be utterly unsatisfactory. It raised the question whether, according to the laws of Japan, a Daimio, travelling with his retinue, is not fully justified in beating or thrusting off the road all persons who encounter him on the highway. It raised also the question whether or not the Tycoon was free from blame for not having inserted in the Treaty these assumed and extravagant privileges. The indemnity demanded, it is said in the reply, will be an after consideration, when it had been decided whether the Tycoon or the Daimio was to blame.

* See Inclosure 6 in No. 28.

Such being the general purport of the reply which I had received, I considered it to be my unavoidable and immediate duty to call upon Admiral Kuper at once to resort to such preliminary measures of coercion, by reprisals or otherwise, as he might deem most expedient and best calculated to arouse the Prince of Satsuma to a sense of the serious nature of our mission.

I have the honour to inclose a copy of my despatch addressed in that sense to the Admiral.

A relation of what ensued I can best convey to your Lordship by laying before you the succinct and graphic despatch which Admiral Kuper addressed to me at the close of the operations which were enacted.

It would be unbecoming in me to indulge in expressions of admiration at the able and gallant manner in which the operations, suddenly rendered necessary, were determined upon, and immediately carried out by the ships of Her Majesty's squadron, under the immediate command and direction of Vice-Admiral Kuper, upon whom it devolves to bring to the knowledge of Her Majesty's Government the spirited incidents and all-sufficient results which attended the combat at Kagosima. The strength of the batteries, mounting eighty-one guns, the gale blowing during the action, the comparatively severe loss sustained by us, especially in the untimely fate of those brilliant and deplored officers, Captains Josling and Wilmot, of the flag-ship, will be duly appreciated by Her Majesty's Government.

I did not hesitate to convey to Admiral Kuper my unqualified opinion that enough had been effected to vindicate the outrage committed upon British subjects by the adherents of Satsuma, at least until I had the honour to receive your Lordship's further instructions.

The chief agent of that outrage is generally understood to have been Shimadzoo Saboolo, the father of the Prince: his guards but obeyed his instructions. No power as yet brought to bear upon Japan by Her Majesty's Government is calculated to coerce the Prince of Satsuma to deliver up his father to condign punishment, as the principal perpetrator of the outrage committed.

It was determined upon this to return to Yokohama, when, after a series of severe gales and typhoons prevailing at this season on this dangerous coast, the squadron returned to this anchorage on the 24th instant.

Thus I have the satisfaction to report to your Lordship that the instructions with which I have been charged, onerous as they were palpably and in fact, and having reference to the outrage of last September, have been carried out in letter and in spirit. The indemnities demanded of the Tycoon's Government are afloat on board Her Majesty's ships. I have had the honour to transmit to your Lordship the written apology of the Government of Yeddo; and in respect to the Prince of Satsuma having ill-advisedly sought to evade the specific demands which Her Majesty's Government deemed it advisable to direct me to make upon him, after due consideration of all the circumstances, and after long forbearance, his capital is in ashes, his foundries destroyed, and his steamers burnt.

It remains for me to trust that Her Majesty's Government may deem that my instructions have been thus fulfilled in a manner best adapted to the difficult circumstances with which I have been, and still continue to be, surrounded.

In conclusion, I trust your Lordship will pardon me if I do not resist the natural impulse of desiring to bring under your Lordship's notice the special and unlooked for services rendered on the occasion of the expedition to Satsuma of Messrs. Eusden, Gower, Macdonald, Willis, Fletcher, Von Siebold, and Satow, of this Legation. In their absence all communications with the shore at Kagosima must have failed. Interpreters from the shore were held back and never appeared; an attempt to impede all explanations rendered nugatory by a ready knowledge of their own language, which they found on board. Nor shall I have accomplished my duty were I to omit to solicit your Lordship's favourable notice to the devotion with which these members of Her Majesty's Civil Service exposed themselves to the anticipated perils of naval combat, unaccompanied by any ostensible prospect of the ordinary honours and rewards attending the exposure of life in the profession of arms.

P.S.—I have the honour to annex to this despatch memoranda of interviews held on board Her Majesty's ship "Euryalus" with the officers of the Prince of Satsuma.

Inclosure 1 in No. 63.

*Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.**Yokohama, August 3, 1863.*

SO far back as the month of April last, the Undersigned informed the Gorogio that, under all the circumstances attending the peculiar relations between the Tycoon's Government and the Daimio Prince of Satsuma, the Government of Her Britannic Majesty had determined to seek, directly, reparation from that Daimio, in respect to the condign punishment of the actual perpetrators of the murder of Mr. Richardson, on the 14th September last, on the tokaido near Kanagawa, and the payment of an indemnity for the benefit of the relations of the persons murdered and injured by his adherents.

The execution of this portion of the instructions which the Undersigned received from his Government has been deferred, chiefly out of consideration for the political difficulties of the Tycoon's Government, which has itself adopted the course of avoiding further reference to the subject.

The Undersigned, moved by the same sentiments of consideration which four months ago induced him to inform the Gorogio of the demands about to be made on the Prince of Satsuma, now also informs your Excellencies that within the period of three days the Undersigned will proceed with a large portion of the squadron under the command of Vice-Admiral Kuper to the Prince of Satsuma's territories to prefer the demands, and to adopt coercive measures against this Prince, should he refuse to comply with those demands, or should himself adopt a hostile attitude from the forts and batteries he assumes the independent right to erect.

The immediate settlement of this matter has now become peremptorily necessary.

To mark the friendly disposition which the Undersigned entertains on behalf of his Government towards that of the Tycoon,—although those relations, on the part of the Tycoon's Ministers, the Undersigned is bound to add, are involved in mystery and undefined,—the Undersigned again writes to the Gorogio to take the commands of His Majesty the Tycoon, in respect to sending a functionary of the Government on board the squadron, to accompany it to the territories of the Prince of Satsuma, should it be so deemed to be expedient.

A serious and urgent communication.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 63.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

Yeddo, August 4, 1863.

ON receipt of your despatch of the 3rd August, we have fully understood that you intended to go, within three days, to the territory of the Prince of Satsuma, with the men-of-war now lying in the Bay of Yokohama, in order to demand satisfaction for the murder of a British merchant on the tokaido last year. But owing to the present unsettled state of affairs in our Empire, which you witness and hear of, we are in great trouble, and intend to carry out several plans. Supposing now something untoward were to happen, then all the trouble and care both you and we have taken would have been in vain and fruitless; therefore we request the said departure may be delayed for the present.

With respect and consideration.

(Signed)

MATSDAIRA BUZEN NO KAMI.

MIDZOONO IDZOOMI NO KAMI.

ITAKOORA SOOWO NO KAMI.

INOWOYAY KAWATSI NO KAMI.

Inclosure 3 in No. 63.

Lieutenant-Colonel Neale to the Prince of Satsuma, or, in his absence, to the Regent or other High Officer for the time being administering the Government of the Prince of Satsuma, Hiuga Ohosumi, and the Loo Choo Islands.

Your Highness,

Yokohama, August 1, 1863.

IT is well known to you that a barbarous murder of an unarmed and unoffending British subject and merchant was perpetrated on the 14th of the month of September

last (21st day of 8th month of 2nd year of Bung-kew of Japanese reckoning), upon the Tokaido, near Kanagawa, by persons attending the procession and surrounding the norimon of Shimadzoo Saboolo, who, I am informed, is the father of your Highness.

It is equally known to you that a murderous assault was made at the same time by the same retinue upon a lady and two other gentlemen, British subjects, by whom he was accompanied, the two gentlemen having been severely and seriously wounded, and the lady escaping by a miracle.

The names of the British subjects here referred to, are as follows:—

Charles Lenox Richardson, murdered.

Mrs. Borradaile.

Mr. William Clarke, severely wounded.

Mr. William Marshall, severely wounded.

This event filled with great and just indignation the British Government and people, and excited the sympathy of and produced a painful impression upon all civilized countries.

Impressed with friendly and considerate feelings towards the Government of the Tycoon, with whom the Queen of Great Britain, my august Sovereign, is in relations by Treaty of peace and amity, I acted with proper consideration for the Tycoon's Government by leaving in its hands the legitimate means of speedily arresting and bringing to capital punishment the murderers from among Shimadzoo Saboolo's retinue.

This necessary forbearance on my part has been entirely approved of by my Government, and appreciated and acknowledged by the Government of the Tycoon.

A different course proposed at the moment to be adopted in the excitement attending this barbarous outrage might have resulted in the capture, and perhaps death, by summary retribution, of Shimadzoo Saboolo himself.

Ten months have now elapsed since the perpetration of this unprovoked outrage, during which period my Government has been duly informed by me of the circumstances attending it, while the Tycoon's Ministers have held out to me from time to time assurances and hopes that the murderers would be given up by your Highness, according to the Tycoon's desire, and sent to Yeddô for trial and execution.

But I have had occasion to report to my Government, that removed in your distant domain from the direct influence of the Supreme Government, and shielded also by certain privileges and immunities which belong to Daimios of this Empire, you had utterly disregarded all orders or decrees of the Japanese Government calling upon you to afford justice by sending the real criminals to Yeddô. They have not been arrested nor sent; and no redress has consequently been afforded by the Tycoon's Government, however desirous it may be of doing so.

In the meanwhile, I have received the explicit instructions of my own Government how to act in this matter.

The Tycoon's Government may be impeded by the laws of the country, and more especially by political embarrassments, from enforcing its desires upon Daimios of the Empire in regard to criminal acts committed by their adherents; but when British subjects are the victims of those acts, Japan, as a nation, must through its Government pay a penalty and disavow the misdeeds of its subjects, to whatever rank they may belong.

Under instructions from my Government, I demanded from the Tycoon's Government an apology and the payment of a considerable penalty, for permitting the murderous attack made by your retainers on British subjects passing on a road open to them by Treaty. Both these demands have been acceded to.

But the British Government has also decided that those circumstances constitute no reason why the real delinquents and actual murderers should be shielded by your Highness, or by any means escape the condign punishment which they merit, and which they would be subjected to for great crimes, such as they have committed, in all other parts of the world.

It has thereupon been determined by my Government, and I am instructed to demand of your Highness, as follows:—

First. The immediate trial and execution, in the presence of one or more of Her Majesty's naval officers, of the chief perpetrators of the murder of Mr. Richardson, and of the murderous assault upon the lady and the gentlemen who accompanied him.

Secondly. The payment of 25,000*l.* sterling, to be distributed to the relations of the murdered man, and to those who escaped with their lives the swords of the assassins on that occasion.

These demands are required by Her Majesty's Government to be acceded to by your Highness immediately upon their being made known to you. And upon your refusing, neglecting, or evading to do so, the Admiral commanding the British forces in these seas

will adopt such coercive measures, increasing in their severity, as he may deem expedient to obtain the required satisfaction. *

The commander of Her Majesty's ship of war charged with the delivery of this letter is made acquainted with the specific demands which I have the honour to communicate to you in this letter, and, according as they are accepted or refused, he has received instructions either to carry out and witness their execution, within a period of days, which will be named, or in the event of a refusal, to commence at once coercive operations pending the arrival of additional forces.

Your Highness is therefore earnestly requested seriously to consider the course you will adopt upon receipt of this communication, the terms of which it is not in my power to modify, alter, or discuss.

I avail, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 4 in No. 63.

Lieutenant-Colonel Neale to the Prince of Satsuma.

Your Highness,

"Euryalus," August 12, 1863.

THE letter which I have addressed to your Highness, and which accompanies this, has been written some time ago, and its purport communicated to my Government. But it now becomes necessary for me to inform your Highness that I have myself arrived at this anchorage with the British Admiral, and a portion of the squadron under his command, and hope to receive a satisfactory communication in reply to my letter. If within the space of twenty-four hours no such satisfactory communication is received, I shall be under the necessity of calling upon the Admiral Commanding-in-chief to adopt such coercive measures as he may deem expedient, until the necessary satisfaction is obtained.

I avail, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 5 in No. 63.

Kawakami Tujima, Minister of the Prince of Satsuma, to Lieutenant-Colonel Neale.

(Translation.)

IT is just that a man who has killed another should be arrested and punished by death, as there is nothing more sacred than human life, and although we should like to secure them (the murderers), as we have endeavoured to do so since last year, it is impossible for us to do so, owing to the political differences at present existing between the Daimios of Japan, some of whom even hide and protect such people: besides this, the murderers are not one, but several persons, and therefore find easier means of escape.

The journey to Yeddo (undertaken by Shimadzu Saboolo) was not with the object of committing murders, but to conciliate the two Courts of Yeddo and Kioto; and you will easily, therefore, believe that our master (Shimadzu) could not have ordered it (the murder). Great offenders against the laws of their country (Japan), who escape, are liable to capital punishment. If, therefore, we can detect those in question, and, after examination, find them to be guilty, they shall be punished, and we will then inform the Commanders of your men-of-war at Nagasaki, or at Yokohama, in order that they may come to witness their execution. You must, therefore, consent to the unavoidable delay which is necessary to carry out these measures. If we were to execute criminals condemned for other offences, and told you that they were the offenders (above referred to), you would not be able to recognize them; and this would be deceiving you, and not acting in accordance with the spirit of our ancestors.

The (Provincial) Governments of Japan are subordinate to the Yeddo Government, and, as you are well aware, are subservient to the orders received from it.

We have heard something about a Treaty having been negotiated in which a certain limit was assigned to foreigners to move about in; but we have not heard of any stipulation by which they are authorized to impede the passage of a road.

Supposing this happened in your country, travelling with a large number of retainers as we do here, would you not chastise (push out of the way and beat) any one thus disregarding and breaking the existing laws of the country? If this were neglected Princes could no longer travel. We repeat that we agree with you that the taking of

human life is a very grave matter. On the other hand, the insufficiency of the Yeddo Government, who govern and direct everything, is shown by their neglecting to insert in the Treaty (with foreigners) the laws of the country (in respect to these matters) which have existed from ancient times. You will, therefore, be able to judge yourself whether the Yeddo Government (for not inserting these laws) or my master (for carrying them out) is to be blamed.

To decide on this important matter, a high official of the Yeddo Government, and one of our Government, ought to discuss it before you, and find out who is in the right.

After the above question has thus been judged and settled, the money indemnity shall be arranged.

We have not received from the Tycoon any orders or communications by steamer that your men-of-war were coming here. Such statements are probably made with the object of representing us in a bad light. If it were not with this object you would certainly have them in writing from the Gorogio; and if so we request you to let us see them.

In consequence of such mis-statements great misunderstandings are caused.

All this surprises us much. Does it not surprise you?

Our Government acts in everything according to the orders of the Yeddo Government.

This is our open-hearted reply to the different subjects mentioned in your despatch. 29th day of the 6th month of the 3rd year of Bung-kew (13th August, 1863).

(Signed) KAWAKAMI TAJIMA SHISSEI, *Minister*.

Inclosure 6 in No. 63.

Lieutenant-Colonel Neale to Vice-Admiral Kaper.

Sir,

"Euryalus," off Kagosima, August 14, 1863.

HAVING embarked at Yokohama, as arranged, on the 6th instant, with some of Her Majesty's Legation on board the squadron under your command, we arrived on the 12th instant at this anchorage, and I availed myself of the immediate opportunity offered to me, by some officials of the Prince of Satsuma coming off to your flag-ship, to deliver to them the despatch which I had addressed to the Prince, embodying the demands I had been instructed to make upon him by Her Majesty's Government, and the nature of which I have already had the honour to make known to you.

This has been followed by further verbal communications from the shore; some for the purpose of soliciting an extension of the term accorded for a reply to my despatch, which I have acceded to; and some with the object of earnestly engaging yourself and myself, under very suspicious circumstances, to go on shore, and hold an interview with some of Satsuma's officials. This proposal we have rejected, as in all respects unbecoming and inexpedient.

For your more complete information and guidance, I have the honour to annex copies of minutes, taken at the time by the officers of this Legation, of the purport of these several communications and interviews.

But the formal reply of the Prince of Satsuma, through his Principal Minister, has now reached me. A careful translation of this document I have the honour to inclose. I deem this communication to be in every respect evasive of the point at issue, as confirming rather than repudiating the outrage for which redress has been long sought, and, in short, a virtual refusal and setting aside of the demands.

Under these circumstances, I have the honour to request you to enter upon such measures of coercion, by reprisals or otherwise, as you may deem expedient and best calculated to awaken the Prince of Satsuma to a sense of the serious nature of the determinations which have brought Her Majesty's squadron to this anchorage.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 7 in No. 63.

Vice-Admiral Kuper to Lieutenant-Colonel Neale.

Sir,

"Euryalus," in the Bay of Kagosima, August 17, 1863.

I HAVE the honour to acknowledge the receipt of your despatch of the 14th instant, in which you request me to enter upon such measures of coercion as I may deem

expedient and best calculated to awaken the Prince of Satsuma to a sense of the serious nature of the determinations which have brought Her Majesty's squadron to this anchorage.

I immediately directed Captain Borlase, of the "Pearl," to proceed at daylight on the following morning with a portion of the squadron, to a bay to the northward of Kagosima, for the purpose of seizing and bringing to our anchorage three steamers, the property of the Prince, which had been previously ascertained to be lying there; Captain Borlase was also desired to avoid, as much as possible, all unnecessary bloodshed or active hostility. This service was executed with much zeal and discretion by Captain Borlase; and the three steamers mentioned in the margin* arrived at the anchorage during the forenoon of the 15th instant, lashed alongside three of Her Majesty's ships: the object I had in view, being the detention of these vessels as reprisals, until such time as the Prince of Satsuma should either comply with the demands made upon him, or should make advances with a view to their settlement.

These considerations were, however, suddenly and unexpectedly set aside by the assumption of hostilities on the part of the Japanese; for at noon of the same day, the batteries opened fire with shot and shell on the squadron, an act which it became necessary immediately to resent, in vindication of the honour of the flag, and as a punishment for the outrage; and as it was impossible for the small force at my command to carry out the requisite operations, and at the same time to retain possession of the three steamers in question, I gave orders that they should be set on fire and destroyed, which was accordingly done.

The squadron then, as you are aware, proceeded to engage the batteries on Kagosima, advancing in line of battle (the "Euryalus" leading) from the northernmost battery, along the whole line, and finally attacking the southernmost or spit battery, after which I deemed it advisable, in order to ensure the safety of Her Majesty's ships, to direct them to seek an anchorage; the weather, which had been threatening for a gale, becoming at this time most unfavourable, and, as night was approaching, the signal was made to discontinue the action, and the squadron returned to an anchorage under Sakura Sima.

It was impossible to ascertain precisely the extent of the injury inflicted upon the batteries; but, considering the heavy fire which was kept up from the ships, at point-blank range, the effect must have been considerable, many guns were observed to be dismounted, the batteries were several times cleared, and the explosion of various magazines gave evidence of the destructive effects of our shell; one half of the town was in flames and entirely destroyed, as well as a very extensive arsenal or factory, and gun-foundry, and five large Loo-Choo junks, the property of the Prince, in addition to the three steamers already described.

A heavy typhoon blew during the night, and the conflagration increasing in proportion to the height of the storm, illuminated the entire bay.

On the following afternoon, the gale having moderated, and as I deemed it necessary to remove the squadron to a safer anchorage than the great depth of water opposite Kagosima afforded, and having also observed the Japanese at work erecting batteries on the hill immediately above the little bay where the small vessels were at anchor, close to the shore, we weighed, and passing in line between the batteries of Kagosima, steamed out and anchored to the southward of the Island. This opportunity was taken advantage of to shell the batteries on the Sakura Sima side, which had not been previously engaged, and also the palace of the Prince in Kagosima. These operations were attended with complete success: there is every reason to suppose that the palace has been destroyed, as many shells were seen to burst in it, and the fire, which is still raging, affords reasonable ground for believing that the entire town of Kagosima is now a mass of ruins.

Thus having accomplished every act of retribution and punishment within the scope of operations of a small naval force, and having received from yourself the verbal expression of your satisfaction with the extent of these operations, I purpose returning with the squadron to Yokohama, immediately the partial refit which is now in progress shall admit of our putting to sea.

I have, &c.

(Signed) * AUGUSTUS L. KUPER.

* "England," screw, 759 tons, 125,000 dollars purchase; "Sir George Grey," screw, 492 tons, 85,000 dollars purchase; "Contest," screw, 350 tons, 95,000 dollars purchase.

Inclosure 8 in No. 63.

Memorandum of Interviews held with the Officials of the Prince of Satsuma on board Her Majesty's ship "Euryalus," at Kagosima.

ON the 14th August, about 9 A.M., two officials came on board Her Majesty's ship "Euryalus," and said they had been sent for a receipt for the reply from Satsuma's Government, which had been delivered the previous evening, and also to explain, verbally, what the representatives of Satsuma on shore would have told the British Representative had he gone to hold an interview with them, as requested.

They then proceeded to state that when at Kioto, the Stotsbashi (Vice-Tycoon), and two members of the Gorogio distinctly ordered Shimadzu Saboolo not to take any steps respecting the murder of foreigners (of Mr. Richardson) by his retainers, as the Tycoon's Government would settle that matter themselves; and that, therefore, as already written in their reply, their Prince must obey these instructions. That all the particulars of the murder on the tokaido had been duly reported by them to the Gorogio, who understood them perfectly. That they therefore supposed, as promised, that the whole question had been settled at Yeddo.

According to Japanese laws they could not settle it themselves, nor could they accept or refuse the demands, as all must be referred to the Yeddo Government.

That since the beginning of this year they had heard nothing from Yeddo on this subject, and that therefore they could not at first imagine the cause which brought our men-of-war to Kagosima. All this they desired to say verbally, as it was too difficult to explain in writing.

The reply made by Colonel Neale to the foregoing was communicated to the officers, and written down by them, for the information of their Chief. Verbal communications are of no value in this country. Written communications alone are eventually referred to by the Japanese authorities. The letter sent in last night represents the matter in a totally different light to the statement now verbally made. In the formal written answer to my despatch it is stated that according to the laws of the country Shimadzu Saboolo was in the right to resort to violence to foreign travellers on the road. And we are come to show that no such right can possibly be admitted by British subjects. It is said in the verbal communication now made that the Tycoon's Ministers at Kioto had assured the Prince of Satsuma, or his agents, that they would settle the matter. But the Tycoon's Government have taken no steps to settle the matter, and have informed Colonel Neale that the Prince of Satsuma was not only informed of the demands, but that even every Conference held by him with the Tycoon's Envoys upon the subject had been communicated to the Prince. After long patience, we have been obliged to come here and carry out the instructions of the British Government. If the Tycoon's Government is in fault, or has deceived the Prince, he will have to seek redress at the hands of the Tycoon's Government for whatever disaster may befall him. The Tycoon's Ministers have over and over again informed me that the Tycoon had no power to act in this territory, but that they had called upon the Prince to do so. Eleven months have passed, and the British Government has determined to act itself. And this must be done. Satisfaction must here be immediately obtained, or measures of coercion will be resorted to. But even after such measures have been commenced, the Prince will do wisely to make proposals which can be accepted; it is useless to say that nothing can be done here, when after eleven months it has been found nothing can be done in Yeddo. The Tycoon's Government have been aware of our intention of coming here for five months, and, finally, had three days' notice of our departure from Yokohama. In writing, the Tycoon's Ministers expressed a hope that we should not go to Kagosima, but did not add one word about settling this matter themselves. Immediately following this they verbally communicated to me by a Vice-Minister that the Tycoon's Government desired to send a steamer with the British squadron, with a high officer on board, no longer repeating the request that the squadron should not go to Kagosima; but although the ships proceeded under sail very leisurely no steamer of the Tycoon appeared.

The Tycoon's Government has acknowledged the outrage committed upon British subjects by paying a penalty four times as great in amount as that which is demanded of Satsuma, and they have moreover made an apology for the acts committed. We have thus no more to ask of the Tycoon's Government, and must carry out our instructions with regard to the Prince, who will now understand our position and act accordingly.

These officers more than once stated that the Tycoon's Government did not speak the truth.

They were further told that Her Majesty's Chargé d'Affaires considered the reply delivered the previous evening a refusal to our just demands, and that therefore they were to inform their Prince that from that period no further time was allowed, and that

we should proceed to enter upon coercive measures whenever the Admiral might deem it convenient to do so. That every moment being of consequence he had better go on shore and explain all this to the authorities, and that if his Prince had proposals to make which could be accepted, he might communicate such, even during hostilities, by a boat flying a white flag, which would not be molested, and that on our side we expected the same.

ON the 14th August, late in the evening, the same officers came on board the flag-ship to deliver the written reply to the demands.

Having received them Colonel Neale said :—Your arrival at this hour is quite unexpected ; what is the object of it ?

Japanese.—We have brought the reply of the Prince's Government, and come to explain that we misinformed you to-day in stating that we were recalled on shore to correct an error in the despatch ; we were apparently only required to return immediately after having delivered it.

Colonel Neale.—Do you desire to state anything verbally to me before delivering the despatch ?

Japanese.—Nothing.

Colonel Neale.—Why is there no Dutch or English translation ? We know you have interpreters on shore.

Japanese.—We do not know why this is so.

Colonel Neale.—We have the means of translating ; but I wish you to state to your Government that if this reply is not satisfactory I shall consider it as a refusal and act accordingly. It is now eleven months since your Prince became aware of what occurred. When lately I told the Tycoon's Government that perhaps your Prince had not been officially informed of the demands to be preferred upon him, they assured me that they had even sent him copies of every Conference which had taken place on the subject.

Japanese.—We know nothing about this.

Colonel Neale.—I have come here to settle the question amicably, if possible ; we have not therefore entered upon any hostilities, but this matter can no longer be left undetermined.

Japanese.—We will communicate what you now state.

Colonel Neale.—That is what I wish you to do.

Admiral Kuper.—The settlement of this matter can no longer be delayed. Kago-sima is at my mercy ; hostilities once commenced, your town would be destroyed, and I shall stop your trade both here and at the Loo-choo Islands.

Colonel Neale.—Such is not our wish ; but if you compel us to do so, it will be your own fault.

Japanese.—We will report all this.

Admiral Kuper.—You must remember that we are one of the first nations in the world, who, instead of meeting civilized people as you think yourselves, in reality encounter barbarians.

Japanese.—We cannot discuss these subjects ; but we will report all this to our Government.

Colonel Neale.—Evasion or delay can no longer be submitted to.

(Japanese rise to leave.)

Colonel Neale.—You had better listen to what we state for the sake of your Government, that it may be thoroughly informed of our determination.

Japanese.—We know nothing of these matters.

Colonel Neale.—I will then inform you that when this murder was committed, the Tycoon's Government declared to me that they could not arrest any one in Satsuma's territory, or assure me that any satisfaction could be obtained ; at the time, the foreign community wished that Shimadzu Saboolo and his *cortège* should be attacked, but this was averted by the authorities, with a view that full redress might be obtained through the proper channels. The Gorogio replied that they had written to your Prince, and would write urgently and constantly until your Prince sent the murderers to Yeddo for trial. Your Prince has not done so.

In the meanwhile, instructions have reached me from my Government to the effect that specific demands should be preferred :—

1st. Upon the Tycoon's Government, which has fully satisfied those demands.

2ndly. Upon the Prince of Satsuma, whose adherents had actually perpetrated the murder.

The Tycoon has suffered severely by the acts of your Prince's adherents, for the Tycoon's Ministers had really nothing to do with Shimadzu Saboolo's orders to murder British subjects.

Japanese.—We know nothing of all these matters.

Colonel Neale.—But I wish to inform you respecting them, that you may report what I say to your Prince.

Admiral Kuper.—Colonel Neale wishes to settle the question with you amicably; and if by to-morrow at 10 o'clock A.M. you do not do so, the matter will be handed over into my hands, when I shall commence by not allowing a single boat to pass.

(The Japanese officials rose to leave.)

Colonel Neale.—Your reply, which may be a refusal, having been delivered, do you propose further to communicate with us?

Admiral Kuper.—We wish you to communicate with us again to-morrow before 10 A.M., your boat flying a white flag.

Japanese.—Perhaps we will send before 10 to-morrow morning.

Admiral Kuper.—That would be better.

Colonel Neale.—Your Envoys and boats will not be molested whatever may be the nature of your despatch.

(The Japanese then left.)

No. 64.

Earl Russell to Lieutenant-Colonel Neale.

(Extract.)

Foreign Office, November 10, 1863.

I HAVE received and laid before the Queen your despatches dated Yokohama, August 25 and 26.

In my despatch of the 24th December, 1862, I directed you to obtain reparation for the murder of Mr. Richardson, and the murderous assault on a lady and two gentlemen who, with Mr. Richardson, were riding on a public road open by Treaty, and who drew up on the side of the road to allow the relation and retainers of a great Daimio to pass. For this barbarous and unprovoked attack you were directed to require from the Government of the Tycoon the payment of 100,000*l.*, and an ample apology. You were further directed to require from the Prince of Satsuma the execution of the actual murderers, and the payment of 25,000*l.* as indemnity to the relatives of the murdered man and to the sufferers from the murderous assault.

With respect to the Tycoon's Government, the demands you were instructed to make have been complied with. The sum of 100,000*l.* has been paid, and a satisfactory apology has been made by the Tycoon's Ministers.

Her Majesty has been pleased, in testimony of the patience, good temper, and firmness with which you conducted this negotiation, to confer upon you the Companionship of the Order of the Bath.

The accomplishment of the remainder of your instructions has been found more difficult. Ten months having elapsed without the trial or even the arrest of the murderers, you thought yourself under the necessity to ask the assistance of Admiral Kuper, and to proceed with him to Kagosima, the capital of the Prince of Satsuma.

In your letters of August 1 and August 12, both delivered on the 12th, you communicated to the Minister of the Prince of Satsuma the demands you were instructed to make.

In the answer of the Minister of the Prince of Satsuma, dated the 13th of August, it is stated that it is just that a man who has killed another should be arrested and punished by death; that if the murderers in question can be detected, they shall be punished; and that it is not right to impede the passage of a Chief with a large body of retainers on a public road.

These answers, in reference to a murder committed by the retainers of the Prince in full daylight, ten months before, upon a person who had not in any way impeded the passage of a public road, showed a fixed determination to afford no redress. Vice-Admiral Kuper then directed that three steamers belonging to the Prince should be taken and detained by pay of reprisals. But before any further communication could take place, hostilities were commenced by the Japanese, and Her Majesty's ships were fired upon from the batteries with shot and shell,—an act which it became necessary immediately to resent. The steamers taken were burnt. The batteries were fired upon from point-blank range; many guns were dismounted and various magazines exploded.

It is much to be lamented that as the batteries were apparently situated in and about the town, the consequence of firing with shot and shell upon the batteries and magazines should have been to set fire to the town, which Admiral Kuper says has been burnt. Many innocent persons have thus unfortunately been injured.

At the same time it is obvious that if Admiral Kuper had not returned the fire of

the batteries, Her Majesty's squadron would have suffered a defeat, and fresh murders of British subjects by the cruel and insolent Daimios would have been perpetrated.

Her Majesty will express, through the proper Department, her admiration of the gallantry of her naval forces.

It is my duty to request you to express to the civil servants of the Crown who accompanied you, Her Majesty's approbation of their coolness and courage. Their knowledge of the Japanese language was no doubt of great value, both to you and to the Naval Commander-in-chief.

For the present the situation appears to be this. The Yeddo Government, who, in the terms of the despatch of the Prince of Satsuma's Minister, "govern and direct everything," have made and ratified Treaties of Commerce with Great Britain and other European Powers.

These Treaties have proved very advantageous to the main body of the Japanese people, who feel the benefits of a profitable trade with foreigners, and wish that trade to continue. But a powerful feudal aristocracy, finding silk and rice, and other produce, dearer in the market, and their own privileges less valuable, wish to expel all foreigners, and have obtained a decree from the Mikado to that effect. French, American, and Dutch ships have been fired upon with a view to accomplish this object. But the European nations cannot submit to be thus deprived of an intercourse sanctioned by Treaty, and very beneficial to the mass of the Japanese people, as well as to European nations.

You will, therefore, call upon the Admiral in any cases where British persons, ships, or property are attacked, to resent such outrage.

In this way security for the time may be obtained. But I must wait for your further accounts before complete instructions can be given as to our policy in Japan.

No. 65.

Lieutenant-Colonel Neale to Earl Russell.—(Received November 16.)

(Extract.)

Yokohama, September 11, 1863.

AMIDST the serious situation of affairs which prevails in our political relations with this country, and the issue of which it is impossible to predict, it appears to me of much importance that Her Majesty's Government should be correctly informed of the actual position and extent of the commercial operations which the Treaty Powers in their relative proportions tenaciously maintain at the open ports under the auspices of the Tycoon's Government.

The inclosed Returns of British trade furnished to me by Mr. Consul Winchester are of themselves descriptive of the astonishing degree of progress which that trade has reached during the very period (the half-year ended the 30th of June last) when the situation of affairs has been more menacing and alarming than at any previous period.

Your Lordship will observe that the value of the export trade in British vessels has increased during the period referred to, from 253,337*l.* of the corresponding period last year, to 561,120*l.* for the first six months of this year. And yet during those same six months, the succession of events which have transpired of an alarming and exciting character, were calculated in an unparalleled degree altogether to paralyze and arrest any trading operations whatever.

In imports we have in the first six months of this year 111,470*l.* against 68,981*l.* for the same period of last year, being an excess of 42,489*l.*

I beg leave also to draw your Lordship's attention to the fact, that in this year's Returns, raw cotton figures for the first time as an article of export, to the extent of 795,207 lbs.

In respect to the foreign trade in general of Yokohama engaged in by the subjects of all the Treaty Powers, I inclose for your Lordship's information an excellent and very accurate Report extracted from a local paper.

It is impossible satisfactorily to account for these anomalous results of our intercourse with this country,—obstructed political relations, an edict for the expulsion of foreigners still unretracted, pressure on our part to obtain redress for outrages, and the actual exaction of considerable indemnities, recurring panics, and imminent danger of violence apparently threatening the communities, on the one hand, and, on the other, a steadily progressing and prosperous trade.

But this latter fact, ignored or altogether overlooked as it may be in Europe by those who are anxious or interested in the events of a threatening character which are enacting in this country, I cannot but keep steadily and constantly in view. To maintain our

commercial relations through a very storm of political turmoil, and I may now add even through actual conflict with one of the most redoubtable Chiefs of this Empire, has been the fixed and prevailing object of attainment which has influenced my whole course of action.

Upon broad principles ample and sufficient justification may be deemed to exist for an open rupture with the Government of this country; an edict of expulsion in letter, if not in spirit, still hangs over us, the residence at Yeddo has been rendered impracticable to the foreign Legations, and the navigation of the Inland Sea is obstructed.

Yet, inasmuch as we maintain our footing at the open ports, and as our commercial relations with this country progress, and do not retrograde, I deem it to be my duty to avoid all initiative measures of hostility, calculated to precipitate to a state of war, until the views and untrammelled decisions of Her Majesty's Government with respect to the thorough and unrestricted enforcement of the rights acquired by Treaty are made manifest. On the other hand the hidden and mysterious, though not actually aggressive policy of the Tycoon's Government may become suddenly so developed in a hostile direction, that in self-defence and in support of national dignity and our fundamental Treaty rights, it may be imperatively necessary for me to fall back upon the powerful aid of Her Majesty's squadron, and urge upon Admiral Kuper the expediency of entering upon a systematic and serious series of hostilities.

Inclosure 1 in No. 65.

RETURN of British and Foreign Vessels Arrived at and Departed from the Port of Kanagawa, during the half-year ended 30th June, 1863, compared with the movements of 1862, during the same period.

ARRIVALS.					DEPARTURES.				
1863.			1862.		1863.			1862.	
Number.	Flag.	Tonnage.	Number.	Tonnage.	Number.	Flag.	Tonnage.	Number.	Tonnage.
40	British	12,938	14	4,391	39	British	12,153	15	4,803
19	American	7,347	12	9,135	26	American	9,455	12	9,135
7	Dutch	1,919	5	1,023	8	Dutch	1,969	4	763
2	French	653	2	295	2	French	653	1	149
5	Prussian	1,252	..	..	3	Prussian	772	..	..
1	Russian	286	..	..	1	Russian	286	..	..
74	Total	24,395	33	14,844	79	Total	25,288	32	14,850

British Consulate, Kanagawa, August 31, 1863.

(Signed)

CHARLES A. WINCHESTER, *Consul.*

Inclosure 2 in No. 65.

RETURN of the Import Trade in Forty British Vessels at the Port of Kanagawa during the half-year ended 30th June, 1863, compared with that of 1862, during the same period.

Articles.	1863.		1862.	
	Quantities.	Value.	Quantities.	Value.
		Dollars.		Dollars.
Grey shirtings Bales	385	54,750	1,394	95,662
White ditto "	140	16,000	208	16,050
Dyed ditto "	153	19,875	106	12,462
Camlets "	1,009	160,330	477	75,712
Cottons "	76	6,006	131	13,969
Chintzes "	153	16,275	128	12,594
Tafachelass "	1	300	41	9,916
Velvets "	111	22,116	66	5,986
Woollens "	116	16,965	63	8,610
Cotton yarns Piculs	4	255	—	—
Vermillion "	59	4,175	—	—
Tin, lead, and spelter "	13,358	182,931	1,759	* 53,579
Medicine "	..	11,861	..	570
Provisions "	..	1,662	..	900
Miscellaneous "	..	21,597	..	25,000
Total "	..	535,098	..	331,010

In sterling, at 4s. 2d., 111,470l. 17s. 6d. .. 68,960l. 3s. 4d.

British Consulate, Kanagawa, August 31, 1863.

(Signed)

CHARLES A. WINCHESTER, *Consul.*

Inclosure 3 in No. 65.

RETURN of the Export Trade in Thirty-nine British Vessels, at the Port of Kanagawa, during the half-year ended 30th June, 1863, compared with that of 1862, during the same period.

Articles.	1863.		1862.	
	Quantities.	Value.	Quantities.	Value.
		Dollars.		Dollars.
Raw silk Piculs	7,179	2,281,773	3,617	984,732
Tea "	18,280	253,540	15,231	168,392
Oil "	569	4,260	790	3,557
Seaweed "	4,053	7,242	3,560	5,140
Wax "	95	857	38	395
Isinglass "	10	100	61	913
Gensing "	124	20,029	6	837
Mushrooms "	158	2,164	209	3,270
Dried fish "	2,297	17,853	1,364	8,500
Raw cotton "	5,979	70,404	—	—
Gallnuts "	213	1,155	46	184
Medicine "	..	1,685	..	168
Paper "	..	1,171	..	1,705
Lacquered ware, &c. "	..	10,029	..	6,245
Timber "	..	17,737	..	1,730
Miscellaneous "	..	13,378	..	30,253
Total "	..	2,703,378	..	1,216,021

In sterling, at 4s. 2d., 563,203l. 15s. .. 253,337l.

British Consulate, Kanagawa, August 31, 1863.

(Signed)

CHARLES A. WINCHESTER, Consul.

Inclosure 4 in No. 65.

Newspaper Extract.

HAVING in our last completed a short and hurried *revue* of the past twelve months' political doings of Japan, we now proceed, according to promise, concisely to gather together, at this appropriate season, a few of the leading facts and statistics in reference to commercial matters. The sketch will of necessity be but short and imperfect, but we shall return to the different heads of the subject as time and opportunity may afford.

Imports.

The month of July (1862) opened with a pretty brisk market in this branch, several large transactions in $6\frac{1}{2}$ cattie grey shirtings, and considerable business in camlets reported. The demand for tin had been good, and recent arrivals to the extent of about 2,000 piculs disposed of. This general activity continued, with slight variations, to the end of the year. Tin and lead advanced, and good business was done at prices ranging from 38 dollars to 42 dollars for No. 1, and 25 dollars to 32 dollars for No. 2 of the former, and 8 dollars to 10 dollars for the latter. The estimated settlements of lead about 37,000 piculs, of tin, say 36 piculs; camlets 29,000, and grey shirtings 141,000 pieces. At the commencement of the year 1863 this branch of trade began to slacken, and the transactions in most of the above principal articles were, comparatively with the preceding months, very trivial. An improvement was looked for after the turn of the Japanese holidays, and in April more business was done, cotton and woollen goods showing a slight advance. Tin greatly declined and became unsaleable. At the end of May, owing to the disturbed aspect of political affairs, business came almost to a stand-still, and so continued until the settlement of the money-portion of the demands of Great Britain, when disposition for business was early evinced by the Japanese merchants, though but few transactions in cotton goods are reported, business in camlets only to some extent being noticeable.

Silk.—We now proceed to take a retrospective view of this our principal staple, for the season just ended. At this time last year the markets in Europe were extremely buoyant; the demand for Japan silk had since the beginning of 1862 assumed a remarkable activity, owing probably to a peculiarity of its nature which offered for certain purposes considerable advantages to manufacturers, and gave it on that account a decided superiority over most of the other descriptions of silk known hitherto. We refer especially to the property which Japan silk possesses in an eminent degree of imbibing a large proportion

of dye-stuff, and which renders it invaluable for the manufacture of black goods, which were the prevailing fashion in Europe throughout the last year, under the French term "trame Japon."

The market for the season 1862-63 opened with a slight rise on the prices that had been ruling for the latter part of the season 1861-62; there was still a margin left on the rates that were current in Europe, and this margin, in connection with the increasing favour with which Japan silk was received, resulted in large orders being sent to this market. They met with a supply fully equal to the demand, the crop of 1862-63 having been since known to be nearly double that of 1861-62; indeed, from the end of August to the middle of November prices had given way 5 to 10 per cent. below those of July. When it was ascertained in China, towards the latter end of 1862, that the produce of that country for the season 1862-63 would fall short of the preceding campaign, the merchants of Shanghai and Europe turned their attention to Japan, the growing capabilities of which were becoming more and more apparent. From the month of December the demand assumed a fresh start, and for three or four months continued unabated, so that prices rose gradually to an unprecedented point. The political events of April did not materially check the activity of the market. Money was then tolerably abundant, and the chance of impending hostilities induced the foreign houses to convert as much as they could of their goods and property in exportable articles; on their own side the Japanese dealers were not slow to avail themselves of this new turn of affairs, and so long as they did not consider themselves in danger, sustained firmly the prices of their commodities.

In the beginning of May a panic set in among them; all at once they became eager sellers, and large quantities of silk were disposed of at a reduction of 70 dollars, and in some instances even 100 dollars. This state of things, however, did not last beyond a few days. Reassured, as well by their own authorities as by the readiness with which the foreign houses met their offers, the native dealers very soon showed more firmness and prices returned to their former point. But from that moment to the end of the season the arrivals from the interior became very limited, possibly from the gradual exhaustion of the stock in the country, perhaps also from natural apprehensions so long as political affairs remained threatening and unsettled.

Fortunately the fears which had at one time been seriously entertained about the maintenance of peace have passed away, at least as far as this place is concerned, and from the reports of the Japanese dealers themselves we are led to believe that they are encouraged by their own authorities to continue and extend their transactions with the foreign community of Yokohama.

The present season (of 1863-64) has just opened under very auspicious circumstances. The new crop was favoured with fine weather, and there is every reason to believe, all reports to the contrary notwithstanding, that the result has been most satisfactory. Indeed the large profits which the Japanese dealers and growers have realized, especially throughout the last year, in this staple, must have acted as a powerful incentive to a largely increased cultivation of the mulberry tree, and there is no doubt, in our mind, that anticipations in that respect will be fully borne out by facts hereafter. If, after the above sketch, we pass from the purely commercial to moral considerations, we cannot but be powerfully struck with the following remarks.

It is now just four years since Japan was opened by Treaty to the foreign trade. Centuries had elapsed during which no intercourse had taken place with the "hated barbarians," except upon the smallest scale at Nagasaki; and that with one European nation only. When it was ascertained that silk was grown in this country (a fact put beyond doubt by the first importation of that article into England towards the middle of 1859), the attention of consumers was awakened to it, and experiments made which convinced them at once that this new produce would soon prove highly interesting. We need not remind our readers that for some few years before the opening of Japan, the production of France and of Italy had been considerably curtailed by a new disease of the silkworm, which has lasted since without intermission. The diminution of the European crop had mainly induced the continental manufacturers to use China silk, to which they had previously shown a material reluctance. It cannot therefore be considered surprising that when the first bales of Japan silk appeared on the London market, a general curiosity arose with regard to a produce at once so new to the manufacturing world, and so much wanted. When it was ascertained that this new article possessed intrinsic qualities far superior, not only to Bengal and China silk, but even to anything until then known in Europe, a gradual demand sprung up for it, which has hitherto led to astonishing results, and promises to go much further still. To speak in round numbers, the exportation of Japan silk amounted in 1859-60 to 6,000 bales, in 1860-61 to 10,000 bales, in 1861-62 to 12,000 bales, and in the season 1862-63, just ended, to 26,000 bales.

The lowest average value here of a bale of Japan silk of 85 catties, including export duty, commission, and other charges, may be estimated for the last season at 370 dollars, which gives for 26,000 bales, 9,620,000 dollars; or, at 5s. for the dollar, upwards of 2,400,000*l*.

We read with wonder some months ago in the columns of a London contemporary, that "the trade with Japan is barely sufficient to pay the expenses of the agencies established here by the great China houses."

We, on the contrary, believe that there are few examples in the commercial world of so rapid a development of trade; and this is the more startling as Japan had been isolated for centuries from intercourse with all outsiders. But when we come to consider that the staple upon which we are now remarking, is the most costly of all commodities, with the exception of gems and precious metals, we cannot refrain from enlarging upon the growing importance of a country which has, in so short a time, increased its capabilities more than fourfold, with every appearance of further progress. Nay, if we compare Japan to China for silk only, we have it on the most undoubted authority that the latter country, within the space of four years after the conclusion of the Treaty of Nankin, remained a good deal behind what Japan has achieved with regard to the quantity and value of silk exported; and yet China had at that time enjoyed for 100 years or more, constant relations with foreigners at Canton, whereas our connection with Japan is yet in its infancy.

It is also worthy of notice that the production of silk in China has been getting gradually less for the last two or three years. Should this decrease continue, the deficiency will most fortunately be filled up by the produce of this country; and in the contrary case we are content to leave the commerce of Yokohama to its natural development, stimulated as it will be by the self-interest of all parties concerned.

Japan silk has now taken a firm hold in the markets of Europe; the demand for it goes on increasing yearly, owing to its own peculiar and intrinsic merit, which renders it independent of all competition, and we are fully assured, as far as all human foresight can go, that ere many years are over, the silk trade of this place will stand second to none other.

Tea.—The season of this staple opened with a brisk market, and with quotations 1 to 2 dollars in advance of preceding rates for medium description. Quotations standing thus: medium (old), 16 to 22 dollars, ditto (new), 20 to 24 dollars; good to fine (old), 24 to 29 dollars, ditto (new), 25 to 31 dollars. For some weeks these prices were fully maintained, but in the month of September there was some falling off in sales owing to the extreme rates asked by the teamen. The few sales made were at a further advance of 1 to 2 dollars for the medium kinds. In the following month there was a still further advance for the same kinds of from 2 to 3 dollars. Business during the months of November and December was very fluctuating, tending, in consequence of the extreme rates demanded by the teamen, towards dulness, but at the end of the year the prices became somewhat easier and a considerable number of settlements were made. In the month of January a further advance of 1 to 2 dollars was submitted to; prices then standing about thus—common 14 to 20 dollars; medium 21 to 28 dollars; fine 29 to 33 dollars. Business then began to fall away, and notwithstanding that the teamen showed some inclination to submit to some decline, no great demand existing, but little was done. In the months of February and March a small business only was done, that principally for the American market. In the month of April, in consequence of the disturbed aspect of political affairs, the Japanese merchants took alarm, and eager to work off their stocks previous to their intended departure, consented to very considerable reduction; indeed, at this period the changes were so great and so frequent that quotations were not obtainable. At the end of the season there was a slight improvement in business, stocks light and appearing likely so to continue until confidence in political matters be restored.

The new season, however, considering the unsettled state of affairs, opened with tolerable activity, the new crop of medium coming in pretty freely, but none of a really fine quality. The promise of the incoming season is said to be of fair average quality and amount. We refer to our standing Tables for information as to the details of the past season's campaign. The grand total showing 5,796,388 lbs., against 5,847,133 in season 1861-62.

General Exports.

In other produce the business of the same period seems to have been very small; the market continuing bare and few transactions reported until the commencement of October, when a new staple—cotton—began to be brought in pretty freely,—say to the extent of about 3,000 piculs, which found a ready market at about 14 dollars 50 cents to 16 dollars 50 cents per picul for the superior qualities. Since that time but little was done in it until towards the end of March, when some revival took place. The exports in the new

staple up to the end of June was 8,648 bales. It is matter for great astonishment, when we consider that so very recently this article was grown in quantities barely sufficient for the wants of home consumption, and that the knowledge of the foreign demand could only have transpired just before the last year's crop was reaped, that we should be able to quote the above figure of its export. Surely this is great and conclusive evidence of the elasticity with which this country's produce could be extended towards the bearing its fair share in the supply of the wants of that world from the rest of which it has hitherto been so secluded. Before closing our remarks on this article we may say, generally as to quality, that there have been various kinds brought in, which, although all good, have differed slightly in value. All its several kinds have been well appreciated at home, and have sold at prices considerably over China cotton. The period closed with a good demand.

Timber at the commencement of the year was in pretty brisk demand, and was exported principally to Shanghae, in considerable quantities. It has since this been much neglected.

In copper there has been very little done during the year, owing to the extreme prices demanded.

No. 66.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, November 18, 1863.

WITH reference to my despatch of the 10th instant, I inclose, for your information, a copy of a letter which I have addressed to the Board of Admiralty relative to the affairs of Japan.

I am, &c.
(Signed) RUSSELL.

Inclosure in No: 66.

Earl Russell to the Lords Commissioners of the Admiralty.

My Lords,

Foreign Office, November 14, 1863.

I HAVE the honour to inform your Lordships that I have instructed Her Majesty's Chargé d'Affaires in Japan, that in any cases where British persons, ships, or property are attacked, he should call upon the Admiral commanding Her Majesty's naval forces in Japan to resent such outrages; and I have to request that the Admiral may receive such orders from your Lordships as will authorize him to act to that effect, as far as the means at his disposal may admit of his doing so.

The Secretary of State for War some time ago gave orders for increasing Her Majesty's land forces in China by 1,000 men, so that in case of need the Admiral will doubtless be able to obtain the support of a body of troops from China; and if with such assistance a force of 500 soldiers and marines should be available for service on shore in Japan, the batteries which may fire on British ships, and which are armed by the Feudal Chiefs for the purpose of annoying and interrupting foreign trade, may probably be destroyed, and security be obtained for the peaceful commerce of nations with Japan.

Her Majesty's Government are especially desirous that while British persons and property are effectually protected, no injury should be inflicted upon the Japanese population.

With this view it will be incumbent upon the Admiral or Senior Officer in command on the Japanese waters to endeavour to confine hostilities undertaken by him, as far as possible, consistently with due protection to British subjects, their property, and their commerce, to forts and batteries not surrounded by the dwellings and places of the non-combatant inhabitants.

It is of course part of the duty of the officers in command of ships to return the fire of hostile batteries wherever they may be situated, but, in planning expeditions to stations on the coast, the difference between forts placed to disturb commerce and batteries erected for the defence of populous towns should always be borne in mind, and the first-mentioned of these two classes of forts should be the object of attack, in all cases where there is no absolute necessity to attack batteries of the second class.

I am, &c.
(Signed) RUSSELL.

No. 67.

Lieutenant-Colonel Neale to Earl Russell.—(Received November 27.)

My Lord,

Yokohama, October 1, 1863.

I HAVE the honour to transmit herewith, for the information of your Lordship, a copy of a despatch I have addressed yesterday to the Japanese Ministers. The situation of affairs is fully described in the statement I have made to them, and there is nothing of a more explicit character which I am enabled to add in respect to passing events by this occasion.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 67.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, September 30, 1863.

I ADDRESS this letter to your Excellencies in an amicable and friendly spirit. I write as briefly as the subject will admit, because I desire to engage and arrest the serious attention of the Tycoon's Government to what I now submit for its solemn consideration. On this occasion I pass over details affecting the breach or non-observance of Treaty stipulations. The situation of affairs,—that is, the prospect of peace or war,—is far more serious, and requires immediate attention. If conflict and civil war is not actually raging amongst the parties opposed to each other in Japan, it is well known to all that bitter animosities and feelings, and even aggressive acts against the Tycoon's authority, are now enacting. The letter addressed by the authority of the Tycoon's Government to the foreign Representatives, conveying the Mikado's desire that foreigners should be expelled, remains uncanceled. The trade of foreigners with native merchants has been of late obstructed. Some native traders have left Yokohama, and one or more have been beheaded at Kioto because they were in trading relations with foreigners. Extraordinary and unmistakeable activity prevails both on the part of the Tycoon's Government and on the part of the agents of hostile Daimios to obtain cannon, rifles, and munitions of war, and large orders, it is well known, have been given by the Tycoon's Government for the purchase of arms and vessels of war in America; and proposals for similar supplies are constantly and urgently pressed upon merchants of other nations. Large conscriptions of all persons capable of bearing arms are in progress, and drilling is practised even at night. The navigation of the Inland Sea is obstructed; batteries are constructing there in every available position, as well as at Yeddo, Uruga, and elsewhere. Some of these acts are those of hostile Daimios, but some are also those of the Tycoon's Government.

In the midst of these alarming indications of hostility directed undeniably and evidently against foreigners, the Tycoon's Government preserves a most ominous and alarming silence in its relations with foreign Representatives. No knowledge is conveyed to them in the slightest degree of the hopes or fears entertained by it in regard to the situation of foreigners. All is involved in darkness and mystery,—accompanied, meanwhile, by hostile preparations.

Now in this situation of affairs, actuated by the best feelings towards Japan, and acting especially in accordance with the friendly and amicable feelings of consideration entertained by the British Government towards the Tycoon and Government of Japan and the Japanese people, it becomes my duty solemnly to draw the attention of the Government of Yeddo to the fact that as a matter of reason and necessity the Representatives of foreign States having Treaties with Japan, and having subjects of their respective States residing here, must report mail by mail to their Governments the condition of affairs which I have described; and I leave it to the judgment of the Tycoon's Ministers and High Councils to reflect whether, after a knowledge of these indications of hostility and absence of all assurances or declarations on the part of the Tycoon's Government as to its intended policy and action towards foreigners, the Governments of the Treaty Powers will not adopt defensive measures on a great scale, while they will inevitably insist at any cost upon the execution of Treaty rights. Such measures will be a serious and regrettable necessity. They will be costly probably beyond the knowledge or imagination of the Tycoon's Government. Armaments such as I refer to, with all their transports and appliances, when dispatched and eventually arrived to vindicate the harmless rights acquired by Treaty of residence and trade, cannot be dissolved and sent back because at the last moment the Tycoon's Government offer pacific and friendly assurances. The cost of such expedition, forced upon us against our will and desire in consequence of the threatening attitude of the rulers and chiefs of this country towards foreigners, must be defrayed by Japan. This menacing line of action and policy has been directed against the

most powerful States in the world, who on their part have exhibited no indications of hostility save while seeking redress for murders and unprovoked outrages.

In conclusion I earnestly call upon your Excellencies to look upon this communication as a friendly warning, which, if no sincere and friendly feeling prevailed on my part, need not be made at all. Your Excellencies are also earnestly called upon to reply to this letter at your earliest convenience, lest by delay any good fruits it may bear become unavailing.

With assurances of respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

No. 68.

Lieutenant-Colonel Neale to Earl Russell.—(Received December 12.)

My Lord,

Yokohama, October 14, 1863.

OUR trade at this the principal port open in Japan is persistently maintained, although it is undoubtedly in the hands of the Tycoon's Government to stop it at any moment by the expression even of an indirect mandate to that effect, communicated to the native merchants. This subject alone has occasioned me very serious anxiety. Within the last fortnight a strong impression prevailed among the foreign mercantile community at Yokohama, that the trade in the staple product of silk was being gradually restricted to extinction by the direct, though disavowed, action of the Government at Yeddo. A large supply of silk brought down by the producers was stated to have been stopped at Yeddo, and the quantity available for the markets at this port to be restricted to fifty bales a day, which fell short of the expected average. I deemed it accordingly to be my duty to write in urgent terms regarding this matter to the Japanese Ministers, and I have the honour to lay before your Lordship a copy of my despatch, and of the reply which I have received from the Gorogio.

Whatever may have been the cause which induced the temporary obstruction of the supply of silk to this market, an undoubted improvement has taken place since I received the assurances of the Japanese Ministers. From very particular inquiries which I have instituted through Her Majesty's Consul, I have ascertained that from the 2nd to the 11th instant, a period of ten days, 1,000 bales of silk have been bought by foreign traders for exportation, thus averaging 100 bales each day; a quantity which, should it be continued throughout the season, would afford 10,000 bales over and above the large amount of 26,000 bales exported during the season ending the 30th of June last. Thus to all outward appearances the Tycoon's Government has preserved good faith, baffling however all speculations as to how long such may be continued, and ill-according, moreover, with its general attitude and reserve in its political relations with the Treaty Powers.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 68.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, September 26, 1863.

THE matter respecting the restricted arrivals of silk being now well known to be occasioned by no accident or want of that material, but by a systematic arrangement of a few principal silk-dealers or monopolisers at Yeddo, great uneasiness and alarm prevails among the mercantile community at Yokohama. Two millions of dollars have been brought here for the purchase of silk, and are lying idle. Steamers arrive from China to ship the silk expected to have been ready for exportation, and return comparatively empty, thus occasioning great loss. The native merchants are suffering extremely, and some have shut up their establishments at Yokohama, and have left the place; and finally it is currently reported that three or four other merchants of Yokohama have been arrested or are about to be arrested at Kioto, and that one has lost his life because he pleaded to be allowed to sell silk.

I lose no time, therefore, in requesting your Excellencies to communicate with me at your earliest convenience the real situation of this matter and the actual intentions of the Tycoon's Government. So serious a matter cannot remain in suspense, and if no communication is made very shortly reassuring to the commercial community, I must adopt other measures, and proceed to Yeddo more effectually to seek explanations from your Excellencies.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 68.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

Yeddo, October 4, 1863.

WE have received your despatch dated 26th September, and have fully understood what you have communicated respecting the scarcity of silk.

An order has been given to the different departments regarding the export thereof, and thus there is no reason whatever there should be any restriction, as you make mention of in your despatch for any article at all.

But as the trade in silk is flourishing from day to day, we are of opinion that it is a ruse of some person (or persons), who in order to make large profits has bought up all the silk, and then by spreading such reports as you mention, unsettled the foreigners and thus expect to gain their object.

Whatever may be the cause, we have taken the above into mature consideration and have given the necessary instructions to the proper authorities, and we therefore think that the sale of silk will shortly take place in a proper way, and that either yesterday or to-day there will have been some signs of it.

We now trust that you will believe that what we have stated is true.

With respect and consideration.

22nd day of 8th month of 3rd year of Bungkew (October 4, 1863).

(Signed)

MATSDAIRA BUZEN NO KAMI.

MIDZOONO IDZOOMI NO KAMI.

ITAKOORA SOOWO NO KAMI.

INOWOYAY KAWATSI NO KAMI.

ARIMA TOTOMI NO KAMI.

No. 69.

Lieutenant-Colonel Neale to Earl Russell.—(Received December 14.)

My Lord,

Yokohama, October 14, 1863.

THE Tycoon's Government having expressed a strong desire to obtain from me a written statement regarding the operations of Her Majesty's squadron at Kagosima, and comprising my communications with the Prince of Satsuma previous to the adoption of coercive measures, I had no hesitation in complying with this request, and availed myself of the opportunity of reminding the Ministers at Yeddo that an opportunity was again offered to them of satisfying the demands of Her Majesty's Government.

I directed their attention to the fact that the Prince of Satsuma had explicitly declared that he was bound to obey the orders of the Tycoon. This declaration was, it is true, too tardy, and the Tycoon's Government was too secret and evasive in its communications with me, to save the Prince from coercive measures of reprisal and severe chastisement inflicted by Her Majesty's squadron. But the specific demands upon the Prince yet remained unrequited, and I have warned the Tycoon's Government that if it relapses into silence and inaction as before in respect to this matter, I should be under the necessity of calling upon the Admiral to re-open hostilities against the territories of the Prince.

I have the honour to inclose a copy of my letter to the Gorogio, to which* I have not as yet received a reply.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure in No. 69.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, September 24, 1863.

IMMEDIATELY after my return with Her Majesty's squadron from Kagosima, I communicated verbally to the Governors for Foreign Affairs, for the information of the Tycoon's Government, the particulars of all which had transpired. A copy of the reply addressed to me by the Chief Minister (Caro) of Satsuma, in reply to the demands which I had been instructed to make, was also handed to the Governors.

I have now the honour to inclose to your Excellencies, in writing, a statement of what occurred, in order that you may more conveniently refer to the same.

Your Excellencies will observe that the Prince of Satsuma states that he can do nothing without the orders of the Tycoon's Government. This would imply that the Prince of Satsuma has not been directed by His Majesty to comply with the demands I have been instructed to prefer upon the Prince of Satsuma, and which have since been communicated by me and known to the Tycoon's Government.

I have also recently been informed from various reliable sources that the Prince of Satsuma is most desirous that these demands, as yet unsatisfied, notwithstanding all which has occurred at Kagosima, should not remain unsettled, and be thereby a continued source of danger to him. The intervention of the Tycoon's Government is therefore essential, but the Tycoon's Government, as before, takes no step in the matter beyond asking for the statement I now send, but which has during a month been well known to it. I have therefore earnestly to call the attention of the Tycoon's Government to the fact that if, as before, your Excellencies preserve silence and adopt no measures whatever in respect to a satisfactory arrangement, no remedy is left in my hands but to engage the Admiral again to proceed with his fleet to the territory of Satsuma, and continue, much against our desire, the hostilities which have momentarily been suspended in order that the Tycoon's Government should again have itself the opportunity of satisfactorily terminated this matter.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

No. 70.

Lieutenant-Colonel Neale to Earl Russell.—(Received December 14.)

My Lord,

Yokohama, October 14, 1863.

AT the moment of closing this mail a most distressing outrage has once more occurred of which a French subject is the victim. Lieutenant de Camus, of the 3rd battalion of the Chasseurs d'Afrique, riding out this afternoon in this immediate neighbourhood, not on the tokaido or high road, but on a country road hitherto considered to be comparatively secure, was barbarously attacked and murdered by Japanese assassins. He was unfortunately alone, and thus I fear no positive information will ever be obtained respecting the circumstances tending this barbarous act. The unfortunate officer was totally unarmed and could have offered no possible provocation to his sanguinary assailants. His body, which was conveyed to Yokohama, escorted by the French and English escorts, the latter under Lieutenant Applin, the French, British and other foreign Consuls, with several of the foreign community, was frightfully mutilated by sabre cuts, every one of which was pronounced by the medical attendant, Dr. Jenkins, to have been a mortal wound.

Writing immediately after this disastrous occurrence, I am unable to state to your Lordship what may be the action which the French authorities will adopt under the circumstances, but in truth nothing is within our reach but energetic remonstrances and an urgent demand upon the Tycoon's Government for the discovery of the perpetrators of this barbarous act.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

No. 71.

Lieutenant-Colonel Neale to Earl Russell.—(Received January 9, 1864.)

(Extract.)

Yokohama, October 30, 1863.

I HAVE the honour to lay before your Lordship copies of a correspondence which has passed between the Gorogio and me, with reference to the still unsatisfied demands preferred upon the Prince of Satsuma under instructions from Her Majesty's Government.

Your Lordship will observe the equivocal nature of the replies addressed to me by the Japanese Ministers, inspired doubtless by their political embarrassments, and probably also by their hostile and ulterior designs in regard to foreigners.

Inclosure 1 in No. 71.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Your Excellencies,

Yokohama, October 21, 1862.

ON the 24th of September (twenty-eight days ago) I had the honour to address your Excellencies upon the important subject of the demands preferred upon the Prince of Satsuma by Her Britannic Majesty's Government; to that letter I have received no reply.

The Government of the Tycoon is aware that those demands have not been satisfied, and that from motives of high consideration for His Majesty the Tycoon, the hostile proceedings adopted against Kagosima, arising out of the conduct of Satsuma and his Councillors, have been suspended, in order that His Majesty the Tycoon and his Government might, if they really desire it, avert serious and continued hostilities being directed against that Prince. On the first occasion the Government of the Tycoon fell into silence and inaction respecting this subject, and necessitated the departure of the British squadron for Kagosima. The Tycoon's Government sent an Envoy on the eve of the departure of the squadron and declared the intention of the Tycoon's Government to send a steamer with a personage on board to accompany the British squadron, but neither the steamer nor the Envoy appeared to accomplish their mission.

It now therefore becomes my duty to declare to your Excellencies that unless within a few days I receive a communication from the Tycoon's Government of a satisfactory nature, I shall deem that the Government of the Tycoon prefers that the British diplomatic and naval authorities adopt the course of entering upon direct measures with the Prince with a view of causing him to accede to the demands of Her Majesty's Government, which cannot longer remain unsatisfied.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

P.S. This letter having been written previous to the receipt of your letter informing me that you will reply to me in regard to the Prince of Satsuma when you have received accurate details from that Prince, I have therefore to inform you that I do not understand what this statement may mean, but whatever may be its meaning I have to call the attention of the Tycoon's Government to what I have written in this despatch.

E. ST. J. N.

Inclosure 2 in No. 71.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have received your despatch of the 24th of September, giving a Report of what occurred in the Bay of Kagosima during your stay there.

We have understood your several communications regarding what happened to the British men-of-war at Kagosima.

But as we do not know the real state of affairs at that place, we will send you an answer after we have obtained every detail accurately from Sinlinotayu (Satsuma).

With respect and consideration.

8th of 9th month of 3rd year of Bungkew (October 20, 1863).

(Signed)

MIDZOONO IDZOOMI NO KAMI.

ITAKOORA SOOWO NO KAMI.

INOWOYAY KAWATSI NO KAMI.

ARIMA TOTOMI NO KAMI.

Inclosure 3 in No. 71.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Your Excellencies,

Yokohama, October 25, 1863.

WITH reference to my despatches of the 24th September and the 21st of October, relative to the demands made upon the Prince of Satsuma by Her Majesty's Government, I have to state that I omitted to observe to you that a few days previous to the transmission of the first-mentioned despatch to your Excellencies, Mr. Eusden, Japanese Secretary of this Legation, was requested to attend at the Custom-house, and was informed by the Governor Coombono Kami, that the Prince of Satsuma, having already reported to the Tycoon's Government regarding the events which occurred at Kagosima during the visit of the British squadron, the Gorogio was anxious to receive in writing a statement from myself of what took place on that occasion in order that the two versions might be compared. This being the case, your Excellencies will better understand that I am surprised and at a loss to comprehend the meaning of the reply made to me by your Excellencies in which you state that no report had been received from the Prince of Satsuma of the events referred to, and that it was therefore necessary to await its receipt.

It only remains for me to add that I am in daily expectation of a categorical communication from the Tycoon's Government respecting the matter in question.

With respect and consideration.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 4 in No. 71.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have received your despatch dated October 21, and have fully understood that, by order of Her Majesty the Queen of Great Britain, you will again go the territory of Satsuma, to enforce the demands made on Matsdaira Sinlinotayu.

As regards (this question) it is necessary we should likewise investigate it, as we lately stated in our reply to your despatch; and some of the retainers of Sinlinotayu, who were witnesses on the spot of what took place, have lately arrived in this town. Thus we are continuing the investigation, and (when completed) will communicate the same to you. Therefore it is to be hoped you will delay your intention for some time, and we trust you will comply with our request.

With respect and consideration.

13th of 9th month of 3rd year of Bung-kew (October 25, 1863).

(Signed)

MIDZOONO IDZOOMI NO KAMI.

ITAKOORA SOOWO NO KAMI.

INOWOYAY KAWATSI NO KAMI.

ARIMA TOTOMI NO KAMI.

No. 72.

Lieutenant-Colonel Neale to Earl Russell.—(Received January 9, 1864.)

(Extract.)

Yokohama, October 31, 1863

BY my despatch of the 1st instant I had the honour to transmit to your Lordship a copy of a letter I had addressed to the Japanese Ministers on the 30th of September, calling their earnest attention to the serious situation of their relations with the foreign Treaty Powers, and warning them of the inevitable consequences should such a line of conduct be persisted in.

To that letter I have to this date received no reply.

On the 25th instant, however, my colleagues of the United States and of the Netherlands called upon me separately.

My colleague of the Netherlands simply informed that he was proceeding to Yeddo, but Mr. Pruyn was so obliging as to inform me that he had received a special invitation from the Gorogio to proceed to Yeddo for the purpose of holding an interview with the members of the highest Council, when an important communication would be made to him.

Mr. Pruyn expressed himself as totally unable to form a conception of the nature of the communication which was about to be made to him, but deemed that it must necessarily be of a most important character, as the Gorogio had at first proposed that some of their members should come down to Yokohama (a means of communication they had never before adopted), and subsequently had requested his presence at Yeddo, alleging as a reason that it was very desirable that the whole of the Gorogio and members of the First Council should be present.

Mr. Pruyn and M. de Graeff van Polsbroek accordingly proceeded to Yeddo, and were received by the Gorogio, and held an interview with the assembled Ministers at a building adjoining the landing-place, and not within the city as heretofore had been the custom, at the residence of the Ministers for Foreign Affairs, thus at once ominously implying that the presence of even the foreign Representatives within the official quarter of the city was interdicted.

Upon the return of my colleagues on the following day they did my French colleague and myself the honour of informing us of the purport of the unexpected communication.

Immediately preceding its receipt, I received an invitation to proceed to Yeddo, similar to that which had been addressed to the Minister of the United States and to the Dutch Consul-General; and with a knowledge of the purport of the communication to be

made to me, I deemed it to be incumbent upon me to reply to the Gorogio declining their invitation upon the grounds stated in my letter, a copy of which I have the honour to inclose.

My colleague of France received simultaneously a similar invitation, which he equally declined to accept.

Inclosure 1 in No. 72.

Communication made to the Minister of the United States and the Consul-General of the Netherlands by the Gorogio, in the presence of the Members of the Second Council of the Governors for Foreign Affairs, and other officials of rank, at Yeddo, on the 26th October, 1863.

THE Japanese Government being extremely desirous that the friendship between the United States and Holland with Japan should not be interrupted, has invited you, as the Representatives of these Powers, to this Conference for the purpose of making an important communication, and this important communication will render many Conferences necessary in order that you should hear all its reasons and fully be acquainted with its views, and we, the Gorogio, have therefore appointed two Commissioners for this purpose, namely Takemoto Kai no Kami and Ikido Sinri.

The unsettled state of things in our realm is increasing; we are apparently approaching a revolution; there may be a general uprising among the people, who hate foreigners; and to our shame we must confess that we have no power to suppress this insurrectionary movement.

It is principally owing to the opening of Yokohama to trade that this deplorable state of things exists.

If a continuance of trade at Yokohama be persisted in, this state of affairs will grow worse; trade will suffer and no doubt disappear in consequence, and then the friendship will be destroyed. It was to establish friendly relations that the Treaties were made, and may be seen in the heading to each of them.

Friendship is the corner-stone; trade is subordinate to friendship. We have always considered that the framers of the Treaty intended it as an experiment, to last as long as it would not prove injurious to Japan.

In order to perpetuate this friendship it is of the highest mutual interest that the port of Yokohama be closed to trade, and in our opinion this is the only way to allay the prevailing excitement.

We request you to inform your Governments that the Notification of Ogasawara Dusio no Kami relating to the expulsion of foreigners will be withdrawn, and to ask their consent to have the trade transferred to Nagasaki and Hakodadi.

We do not desire any further alteration in the Treaty.

Inclosure 2 in No. 72.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Your Excellencies,

Yokohama, October 28, 1863.

I HAVE received your letter inviting me to proceed to Yeddo to hold an interview with your Excellencies on the 31st instant, upon a subject regarding which you wish to enter on a discussion with me.

My colleagues the Minister of the United States and the Consul-General of the Netherlands have informed me that in like manner you invited them two days ago to repair to Yeddo to confer with you upon an important matter, which you did not specify, and that upon their arrival at Yeddo the purport of your communication amounted to the total subversion of Treaty rights.

Without further entering into the particulars of your communication, and of which my colleagues have informed me, I have to state to your Excellencies that, as the Representative of Her Majesty the Queen of Great Britain, I decline to respond to your invitation by repairing to Yeddo for the purpose of discussing any such unheard-of communications, or to receive any Envoys charged with similar communications.

The utmost measure I will adopt, under the circumstances, is to report to my Government what you may communicate to me in writing, and in becoming terms. I have, therefore, to engage your Excellencies to state to me by letter explicitly and categorically what the Government of the Tycoon proposes, and wishes me to convey to Her Britannic

Majesty's Government; and it only remains for me to add that, inspired on my part as the Representative of Great Britain, with no hostile feelings or designs against this country, I trust that the Government of the Tycoon will duly weigh and consider the sense and probable consequences of the communication which it may desire me to make to the powerful nation I have the honour to represent.

It is also my duty to add that, pending the reference of any such unusual and extraordinary communications (made to me in writing) to Her Britannic Majesty's Government, should hostile or aggressive acts be committed by the Government of the Tycoon, or by any Daimio of this Empire against the relations of amity and commerce established by Treaty, made and duly ratified by Great Britain and Japan, such will be resented by corresponding acts of retribution by Her Majesty's forces in defence of the national honour and of the Treaty rights which I am placed here to maintain and to protect.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

No. 73.

Lieutenant-Colonel Neale to Earl Russell.—(Received January 9, 1864.)

My Lord,

Yokohama, November 16, 1863.

I HAD occasion some time since to draw the attention of Admiral Kuper to the reported intention of the Japanese authorities to erect a line of batteries at the bottom of this harbour and directed against the ships in port.

In course of time this intelligence was confirmed by the receipt of a letter addressed to Her Majesty's Consul by the Governor of Kanagawa informing him that a battery was about to be erected in the situation I have described, for our mutual protection, and that it was desirable that foreign subjects should be warned not to approach the works while in progress.

The purport of this communication was made known to the Admiral, who informed the Governor that he should prevent the construction of any such works, and they have accordingly been abandoned.

I have the honour to inclose a copy of the Admiral's letter to the Governor respecting this subject.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure in No. 73.

Vice-Admiral Kuper to the Governor of Kanagawa.

Sir,

"Euryalus," Yokohama, November 6, 1863.

HER Britannic Majesty's Consul at this port has forwarded to me the copy of your Excellency's despatch of yesterday's date, in which you announce the intention of the Japanese Government to erect a fort or battery on the side of Benten at the place called Zagahama for our mutual protection.

It is little more than a week since the Government communicated to the United States' Minister and the Netherlands Consul-General its determination to close the port of Yokohama altogether; and it is now proposed to erect batteries for our mutual protection—a project which appears to me to be quite as unnecessary as the first mentioned resolution is inadmissible.

The defence of Yokohama having been placed by the Government of the Tycoon in the hands of Rear-Admiral Jaurès and myself in conjunction with your Excellency, I beg leave to acquaint you that it will be my duty to prevent the construction of any battery at the point named in your Excellency's despatch, as well as in any other position which would command the anchorage or town of Yokohama.

The port of Yokohama having been appropriated solely to commercial purposes for those Western nations having Treaties with Japan, there can be no necessity that it should be defended against them, whilst nothing but an aggressive act or repudiation of Treaty rights on the part of the Japanese need render it necessary for them to defend themselves from external enemies for many years to come.

I have, &c.

(Signed)

AUGUSTUS L. KUPER.

Lieutenant-Colonel Neale to Earl Russell.—(Received January 9, 1864.)

My Lord,

Yokohama, November 16, 1863.

I HAVE the honour and great satisfaction to inform your Lordship that since the departure of the last mail the Tycoon's Ministers have voluntarily adopted the unexpected course of informing me officially, and in writing, that the Government of Yeddo having changed its policy, desire that I should return to them the letter relative to the Decree for the expulsion of foreigners from Japan.

My colleagues of the Treaty Powers received simultaneously a similar communication.

I have the honour to lay before your Lordship a copy of the Gorogio's letter, as well as of my reply acknowledging its receipt.

It would be premature for me to convey to your Lordship any confident assurance of belief on my part that with this announcement of the Tycoon's Government our prospective obstructions and difficulties have necessarily ceased to be probable: but I do entertain hopes of a respite from the extreme anxiety and overpowering danger which has so unceasingly hung over our relations with this country.

The motives which may have influenced the Councils of the Tycoon's Ministers can at present alone afford subject for surmise. Intestine disputes and rivalries prevailing among the Tycoon, the Mikado, and the Daimios, have very possibly induced the adoption of a conciliatory policy in its relations with foreign States. The pressure to which this Government had become exposed in the enforcement of redress by Her Majesty's Government for injuries sustained by British subjects, and still urged with increased intensity so far as regards the Prince of Satsuma, coupled with the continued presence of a formidable British fleet, can hardly be sustained, while the energies and resources of the Tycoon have been, as of late, directed to acquire the alliance of Satsuma himself against the Prince of Nagato, of Mito, and other rebellious Chiefs who menace the stability of his Throne.

On the other hand, the Tycoon's Government may in truth still find it essential to stay our anticipated action, and thus gain time for the accomplishment of their warlike armaments destined to be directed against ourselves. It will be to me an extreme subject of rejoicing when the time arrives that I am enabled to report to your Lordship unmistakeable signs of the permanent abandonment of all hostile or obstructive action on the part of the Yeddo Government, but this I cannot in any case speedily expect, for it is a marked characteristic of this people to be as tardy in their declaration of peaceful sentiments as of inimical feelings or designs.

The progress of time and events can alone, with any certainty, develop our prospects of amicable relations with this country. In the meanwhile I content myself with informing your Lordship that as the first apparent fruits of the new policy announced, trade has within the last few days considerably revived, and in some cases native traders have applied to our merchants for advances on account of produce, which they stated they hoped to bring down unrestrictedly from the country; and from the same source I learn that considerable quantities of British imports have been unexpectedly disposed of.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 74.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

(Translation.)

WE have the honour to send you the following communication.

As our Government has, for the present, changed her former policy, we request you to return us the despatch which Ogasawara Jewsio no Kami addressed to you when he was still in office regarding the closing of the ports.

With respect and consideration.

1st of 10th month of 3rd year of Bung-kew (November 12, 1863).

(Signed)

MIDZOONO IDZOOMI NO KAMI.
ITAKOORA SOOWO NO KAMI.
INOWOYAY KAWATSI NO KAMI.
ARIMA TOTOMI NO KAMI.

Inclosure 2 in No. 74.

Lieutenant-Colonel Neale to the Japanese Ministers for Foreign Affairs.

Yokohama, November 14, 1863.

I HAVE to acknowledge the receipt of your Excellencies' letter dated 1st of 10th month (11th November), informing me that the Government of the Tycoon had, for the present, changed its policy; and requesting that the letter addressed to me (as well as to the other Representatives of the Treaty Powers) by Ogasawara, regarding the closing of the ports, be returned to you.

I have to assure your Excellencies of my extreme satisfaction at learning that the Tycoon's Government has changed its policy with regard to foreign relations; and this intelligence, which I shall immediately communicate to my Government, will doubtless produce a conciliatory influence, and abate the painful and indignant impressions produced by the course hitherto pursued by the Tycoon's Ministers.

But your Excellencies have not informed me of what nature will be the new policy to be adopted; and the offending letter of Ogasawara, respecting the closing of the ports, has not only already reached the hands of the British Government, but has produced an impression tending to disturb all belief in the good faith of the Tycoon's Government. I cannot, therefore, predict what instructions may, in consequence, be addressed to me.

The policy which may now be adopted by the Tycoon's Ministers in regard to foreign relations will hereafter be exhibited and understood by its demeanour and acts, which will form the subject of my most anxious observation and attention. The policy of Her Majesty's Government, in the meanwhile, is invariably the same, namely, the maintenance of rights entered into by solemn Treaty with Japan, accompanied by a due consideration for the difficulties of the Tycoon's Government and its yet early relations with foreign States.

The letter of Ogasawara, to which your Excellencies refer, I now accordingly understand and record to have been withdrawn, cancelled, and retracted; its absolute return your Excellencies can hardly desire: should this be otherwise, I have no objection to return the letter in question.

With respect and consideration.

(Signed)

EDWD. ST. JOHN NEALE.

No. 75.

Lieutenant-Colonel Neale to Earl Russell.—(Received January 9, 1864.)

(Extract.)

Yokohama, November 17, 1863.

WITH reference to my preceding despatch by this mail, your Lordship will be less surprised to learn that the Prince of Satsuma hastened to a sense of the increasing danger attending his obstinacy in withholding the redress and reparation sought at his hands, and by the urgent declarations I have of late addressed to the Tycoon's Government respecting a renewal of hostilities, has himself come forward and through his Envoys sought to terminate the difficulties into which he had fallen with Her Majesty's Government.

I had no scruples in respect to receiving the Prince's Envoys, more especially as they were accompanied by two of the Tycoon's officers, and I have the satisfaction to inform your Lordship that after long and protracted discussions extending over three days, the result has terminated in the agreement to make immediate payment of the indemnity, in an earnest written engagement not to relax in constant search for the murderers of Mr. Richardson, and to subject them to capital punishment in the presence of one or more British officers when arrested.

I could hardly hesitate to accept these engagements, for it would have amounted to an unceasing and indefinite protraction of hostile action to have insisted upon the immediate arrest and execution of the malefactors, while their power and ability to find or arrest them I was in no condition to assert or to prove.

That the Prince of Satsuma should acknowledge the perpetrators of the murder to be deserving of death, and that he should engage not to relax in his efforts to bring them to justice, are of themselves guarantees for the future, while these admissions will moreover be suspended *in terrorem* over him should he fail in this or any other matter to act with good faith in regard to British subjects or British interests.

The immediate departure of the mail precludes my offering any further observations upon this unexpectedly sudden and satisfactory termination of a most difficult trans-

action. I cannot, however, omit to acquaint your Lordship that the information which has reached us from various sources, including some of the officers of the Prince of Satsuma, establishes the fact that the losses sustained by the Prince and the punishment inflicted by Her Majesty's squadron at Kagosima were very considerable. The destruction of property is estimated at 1,000,000*l.* sterling, and the number of Satsuma's adherents killed and wounded is stated to have been 1,500.

No. 76.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, January 11, 1864.

I HAVE received your despatches of the 16th and 17th of November, the one reporting the withdrawal by the Government of the Tycoon of the order for the expulsion of foreigners, the other giving an account of your communications with the agents of the Prince of Satsuma, which terminated in an agreement that the Prince should pay the indemnity demanded of him for the sufferers on the 14th of September, 1862, and should endeavour to the utmost to discover the murderers of Mr. Richardson, and should cause them, when discovered, to be executed in the presence of British officers as witnesses of the execution.

Her Majesty's Government have received with the greatest satisfaction this intelligence of the termination of the pressing difficulties with Japan, and I have to convey to you their entire approval of the conciliatory and judicious manner in which you have conducted yourself generally in these matters.

Her Majesty's Government trust that they may now look forward to British intercourse with Japan being carried on without giving occasion for future collision. It is their earnest desire that nothing should occur to interfere with peaceful commerce, and they are prepared to make full allowance for the peculiar character of the Japanese Government. In short, the employment of measures of coercion or retaliation could only be warranted, in their opinion, by the necessity of prompt interference for the protection of the lives and properties of British subjects, or for the vindication of the honour of the British flag if assailed by wanton attacks on the part of the Government or influential nobles.

Her Majesty's Government are glad to find that the return of friendly relations has been quickly followed by an increased trade; but Her Majesty's Government approve your interference with the Japanese Government, as reported in your despatch of the 16th of November, to prevent the erection of batteries which would have placed foreign shipping at Yokohama in a disadvantageous position in case of any difference with the Japanese Government.

I am, &c.
(Signed) RUSSELL.

JAPAN.

Correspondence respecting Affairs in Japan.

(In continuation of Correspondence presented to
Parliament in February 1863.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

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JAPAN. No. 2. (1864.)

CORRESPONDENCE

RESPECTING

A F F A I R S I N J A P A N .

(In continuation of Correspondence presented to Parliament
February 4, 1864.)

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
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LIST OF PAPERS.

No.						Page
1.	Lieutenant-Colonel Neale to Earl Russell .	..	..	..	..	December 17, 1863 1
	Three Inclosures.					
2.	Lieutenant-Colonel Neale to Earl Russell .	..	..	..	..	December 17, — 3
	Two Inclosures.					
3.	Lieutenant-Colonel Neale to Earl Russell .	..	..	..	..	December 30, — 4
4.	Lieutenant-Colonel Neale to Earl Russell .	..	..	..	..	December 31, — 5
	One Inclosure.					
5.	Lieutenant-Colonel Neale to Earl Russell .	..	..	..	..	January 16, 1864 5
	One Inclosure.					
6.	Earl Russell to Lieutenant-Colonel Neale .	..	..	..	..	March 16, — 6
7.	Earl Russell to Lieutenant-Colonel Neale ..	..	..	..	..	March 16, — 7

Correspondence respecting Affairs in Japan.

No. 1.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 13, 1864.)

My Lord,

Yokohama, December 17, 1863.

BY the mail which left this on the 2nd instant, I had the honour to acquaint your Lordship that the Envoys of the Prince of Satsuma had failed to carry out the arrangements which had been agreed upon. It now affords me extreme satisfaction to state that the whole of the stipulations have been definitely settled and determined.

On the 9th instant the Envoys returned from Yeddo to Yokohama, and held an interview with me lasting several hours, at which endeavours were resorted to on their part to soften and smooth down the terms and circumstances under which the demands were originally preferred by me upon the Prince of Satsuma, in accordance with my instructions. They desired that the money which they were about to pay over to me should be considered in the light of a deposit, the absolute payment of which might take place hereafter, and that they accordingly only required a simple or temporary receipt. These obstacles and objections, pertinaciously urged during some hours, were utterly rejected by me, and as good-humouredly one by one abandoned by the Envoys. The indemnity money was brought to the Legation and the sum of 100,000 dollars duly paid, that sum being the equivalent of 25,000*l.* sterling at the current rate of exchange. It will, I trust, be obvious to your Lordship that I could hardly have imposed other terms in respect to the value of the dollar.

While the money was in course of counting and of shroffing, I received from the Envoys a written engagement in respect to the pursuit, and execution when arrested, of the principal perpetrators of the murder of Mr. Richardson. Your Lordship will observe that this document, a copy of which I have the honour to inclose, is countersigned by two of the Tycoon's officers as attesting witnesses. The agents of Satsuma now expressed a desire that I should furnish them with a written promise to facilitate the purchase of a ship of war in England. I saw no material objection to this, if the terms in which such promise was conveyed were expressed with a view to all contingencies, and I accordingly furnished them with a memorandum, a copy of which I have the honour to inclose, and with which they expressed themselves entirely satisfied.

Thus, my Lord, I have the honour and satisfaction to report to your Lordship by this occasion the final accomplishment of my instructions. They involved demands of a serious nature—at one period invoked a crisis which presented the prospect of absolute war with this country. Patience and perseverance, coupled with the uninterrupted presence of a powerful British squadron, and greatly aided by the episode which ended in the hard blows struck at Kagosima, have brought about these results. I have every reason to believe that the salutary impression they have produced upon the Government and Daimios of Japan will be as lasting as they will be valuable to ourselves during the course of our future relations with this country. Nor can I resist the expression of the satisfaction I have derived at the accomplishment of my unabating endeavours to avert even a partial or momentary cessation of our commercial relations with Japan throughout these difficulties. Grave as were the complications, those relations have not only uninterruptedly continued, but have increased in value and extent.

With respect to the present general aspect of our position in this country I had hardly anticipated being in a position to refer to any conciliatory expressions of goodwill on the

part of the Tycoon's Government, which so lately renewed the desire repelled by me to discuss the subject of the abandonment of Yokohama by foreigners; and yet hardly have the agents of Satsuma acquitted themselves of their voluntary mission of pacification when most unexpectedly I received a congratulatory despatch from the Tycoon's Ministers, accompanied by words of goodwill and promise for the future, a copy of which I have the satisfaction to lay before your Lordship. Holding in view, however, the internal situation of this country, agitated by strife and powerful rivalries, amidst which an anti-foreign element is so conspicuous, I cannot at present venture to hazard any expression of absolute belief in the friendly policy likely to be pursued by the Tycoon's Government in respect to its foreign relations. But the knowledge that a military force within certain limits has been rendered available to me by Her Majesty's Government and the continued presence of the squadron sufficiently ensures the communities against all danger of violence. In the meanwhile so long as our actual situation in this country continues in its present position and in the absence of further instructions from your Lordship, I do not propose to call upon the Major-General commanding Her Majesty's forces in China to send over to Japan any other troops than the small body of 150 men daily expected, and for whose reception every arrangement has been completed by me without the slightest expression of opposition or dissent on the part of the Tycoon's Government.

I have, &c.
(Signed) EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 1.

The Agents of the Prince of Satsuma to Lieutenant-Colonel Neale.

(Translation.)

Yokohama, December 11, 1863.

THE money demanded by the British Government having been paid by the officers of Shimadzu Awadzi no Kami, a branch of the family of Satsuma, we hereby promise as follows:—

The persons who last autumn, in the eighth month (14th September, 1862), killed and wounded your countrymen at Namamugi, on the tokaïdo, have escaped from that place, and although we have diligently searched for them their place of abode has not been found out.

And as also some time has passed, it is not possible to state with certainty whether they are still alive, but we will use every diligence in searching for them, and as soon as arrested punish the same with death, in the presence of your country's officers.

As a promise for the future we sign this.

(Signed) SIKENO KONOSHO,
Diplomatic Agent of the Prince of Satsuma.
IWASTA SADZIMON,
Acting Minister of Satsuma.

Countersigned as witnesses to the above promise:

(Signed) UKAI TAITSI, *Officer of Department for Foreign Affairs of the Tycoon's Government.*
SAITO KINGO, *Assistant Ometsky.*

Inclosure 2 in No. 1.

Memorandum.

British Legation in Japan, December 11, 1863.

THE basis of goodwill and amity being established by the settlement of the demands preferred on the Prince of Satsuma and the agents of the Prince of Satsuma having preferred to the Undersigned, Her Majesty's Chargé d'Affaires, a request in presence of officers of the Tycoon, and as a token of friendly feeling re-established, that he would facilitate the desire of the Prince of Satsuma to purchase a ship of war in England, Her Britannic Majesty's Chargé d'Affaires does hereby engage to represent such request when formally and specifically preferred to Her Majesty's Government, provided that at the period when such request is made or in course of execution the relations of the Tycoon's Government with Great Britain in general, and the proceedings and disposition of the Prince of Satsuma in

particular, are not inimical or directed against the rights acquired by Treaties now existing between the Tycoon of Japan, Great Britain, and other friendly States.

Given at Yokohama, this 11th day of December, 1863.

(Signed)

EDWD. ST. JOHN NEALE,

Her Majesty's Chargé d'Affaires.

Inclosure 3 in No. 1.

The Japanese Ministers for Foreign Affairs to Lieutenant-Colonel Neale.

Yeddo, December 13, 1863.

WE beg to make the following communication to your Excellency.

With respect to the murder which was committed last year upon a British merchant at Namamugi, on the tokaido, the subjects of Matsudaïra Soori no Daiboo and Shimadzu Awadzi no Kami, of the family of Satsuma, have lately had an interview with you, and the negotiation was of a peaceful nature, thus affording a proof that the subjects of Soori no Daiboo (Satsuma) will search for and punish the murderer, as by their written engagement. The indemnity money was moreover handed over by the subjects of Awadzi no Kami of the family of Satsuma, and also as a proof of peace, the engagement entered into by you to facilitate the purchase of a man-of-war in terms of the writing was given, and everything ended satisfactorily, which we have fully understood from the communication received from our Government officers who were present.

It gives us great pleasure, as it is a sign of the continuance of a lasting friendship between the two countries.

With respect and consideration.

The 3rd day of the 11th month of the 3rd year of Bungkew (December 13, 1863.)

(Signed)

MIDZOONO IDZOOMI NO KAMI.

ITAKOORA SOOWO NO KAMI.

ARIMA TOTOMI NO KAMI.

No. 2.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 13, 1864.)

My Lord, *Yokohama, December 17, 1863.*

I HAVE herewith the honour to transmit to your Lordship copies of a despatch which I have addressed to Admiral Kuper acquainting him of the settlement of the differences with the Prince of Satsuma and of the Admiral's reply.

I have, &c.

(Signed)

EDWD. ST. JOHN NEALE.

Inclosure 1 in No. 2.

Lieutenant-Colonel Neale to Vice-Admiral Kuper.

Sir, *Yokohama, December 14, 1863.*

IT is with the utmost satisfaction I am enabled officially to acquaint you that the demands I preferred upon the Prince of Satsuma, under instructions from Her Majesty's Government, have at length been acceded to and acquitted, so far as such has been practicable or possible.

The money indemnity demanded (25,000*l.*) has been paid over to this Legation, and in respect to the arrest and punishment of the actual perpetrators of the murder of Mr. Richardson, I have the honour to inclose for your information a copy of the written engagement by which the Prince of Satsuma, through his Agents, binds himself to cause a diligent pursuit to be continued to be made for them, coupled with the distinct assurance that they shall be executed when arrested in the presence of British officers. You will observe that two of the Tycoon's officers are attesting witnesses to these engagements.

I need hardly refer to the extreme difficulties, obstructions, episodes, and incidents which have attended the execution of the instructions addressed to us in regard to this matter. They have been carried out by our uninterrupted mutual accordance and

co-operation during nine eventful months, and it only remains for me to trust that the result of our efforts may be viewed with satisfaction and approval by Her Majesty's Government.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure 2 in No. 2.

Vice-Admiral Kuper to Lieutenant-Colonel Neale.

Sir,

"*Euryalus*," at Yokohama, December 15, 1863.

IN acknowledging the receipt of your letter of yesterday's date, communicating the payment, by the agents of the Prince of Satsuma, of the indemnity of 25,000*l.*, and covering the copy of a document in which those agents engage to cause diligent pursuit to be made for the murderers of Mr. Richardson, &c., I desire to express to you my gratification at the successful termination of the tedious and difficult negotiations which have resulted from the duties of enforcing the demands in accordance with our respective instructions.

Although much unavoidable delay has ensued in carrying out those instructions, I cannot but feel assured that the result attained, and the exertions and arguments which have been used to bring it about, will be viewed with entire approbation by Her Majesty's Government.

I have, &c.

(Signed) AUGUSTUS L. KUPER.

No. 3.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 13, 1864.)

My Lord,

Yokohama, December 30, 1863.

BY the last mail I had the honour to report to your Lordship the successful termination of our pending differences with the Prince of Satsuma. The voluntary submission of the Prince to the pressure brought to bear upon him, the payment of the money indemnity demanded, and the entry into a formal engagement on his part through his agents to bring to condign punishment the principal perpetrators of the murder of Mr. Richardson, when arrested, accomplish the object of our demands.

I may add that the evident aim and solicitude of the agents of Satsuma in their interviews with me was to avert by all means in their power the probability of a revisitation of the Prince's territory by Her Majesty's naval forces, so great had been the extent of the chastisement and destruction inflicted upon the recent occasion. The Prince of Satsuma and his adherents will not again, I am well assured, offend the British Government by outrages committed upon British subjects; nor was the settlement of the past accompanied by a sullen acquiescence to political necessities. The agents of Satsuma, acting on behalf of their Prince, and in the presence of the Tycoon's officers, acknowledged in conversation with the members of this Legation the irresistible superiority of our power and their desire to remain with us on friendly terms. While so expressing themselves, they concluded their last interview with me by offering some trifling presents, not the less significant of goodwill, to the Admiral, myself, and other officers, among which I would especially remark some baskets of fruit, which they desired might be presented to the crew of the flag-ship.

Thus for the present was terminated our immediate differences with one of the most powerful of the Daimios of Japan, accomplished by circumstances which, I venture to apprehend, cannot but influence the solution of any conflict into which in the course of events we may happen to be drawn with other feudal Chiefs striving to resist our Treaty relations with this country.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

No. 4.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 13, 1864.)

My Lord,

Yokohama, December 31, 1863.

I HAVE the honour to transmit, for the information of your Lordship, a copy of a despatch addressed to me by Her Majesty's Consul at Kanagawa-Yokohama, reporting on the state and condition of foreign trade at this date within his Consular district.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 4.

Consul Winchester to Lieutenant-Colonel Neale.

Sir,

British Consulate, Kanagawa, December 24, 1863.

SINCE I had the honour to address you in my despatch of the 9th instant, respecting some interruption in the conveyance of cattle to the settlement, I have had no further complaint from any of the provisioners on that score.

There has been some deficiency in the supply and a consequent rise in the price of poultry, game, and other articles; but this is partly to be attributed to the large demand for such articles incidental to the festivities of the season at a port where there is so large a squadron of war vessels.

A number of curio-shops in the main street are shut up. Various causes are given as accounting for this. The principals of these establishments are said to have been either killed or threatened in the recent disturbances at Yeddo, excited against Japanese engaged in foreign trade. Other statements refer to forbidden operations connected with the currency market here as the reason for the closure of these shops, while in one case it is believed that the disposal to a foreign merchant of gold cobangs stolen from the Tycoon's palace during the last fire has been the cause of trouble.

A system of terror involving the lives of several Japanese merchants has been unscrupulously instituted at Yeddo; but to what extent the Tycoon's Government are implicated in these proceedings either by direct order, secret instigation, or tacit sanction, it is impossible to say.

Reflection on the extraordinary rise in the value of silk and cotton, the articles so eagerly sought for by foreigners, is scarcely necessary to convince one that the extension of foreign trade is likely to create much discontent among large classes of Japanese, not deriving immediate and visible benefit from foreign trade. Raw cotton, so universally employed for the garments of the poorer classes, sold formerly at five to six dollars per picul all over Japan. Its value in the Yokohama market to-day is thirty-five dollars for the same weight.

One of the demands of the party inimical to foreign trade is stated to have been the distribution of large gratuities to the poorer classes of the capital.

Indeed there is some reason to think, looking to the fact that there has been little or no interruption to the trade of the settlement, that the whole of these proceedings have been set on foot with no other intention than to extort a large share of the profits of the native dealers.

However this may be, there is no lack either of silk or cotton in the market; and I am informed that the stock of imports in foreign hands is almost quite exhausted.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

No. 5.

Lieutenant-Colonel Neale to Earl Russell.—(Received March 13.)

My Lord,

Yokohama, January 16, 1864.

THE misconceptions which appear to have influenced the remarks of some of the public journals in England, in respect to the proceedings at Kagosima, as published in the "London Gazette," I venture to conceive renders it proper that I should place upon record a

series of facts, the official recital of which did not seem to me at the time to be of urgent necessity.

The statements of the Prince of Satsuma's agents herewith inclosed, were made in free and friendly conversation with the members of this Legation, while the indemnity money was in course of counting and reception.

I deem it desirable to add that the population of Kagosima at no period exceeded 40,000 inhabitants, far less 180,000, as has been strangely imagined, to serve as a more striking text for comments; and further, that those 40,000 souls—men, women, and children—withdrew, while their huts and paper houses incurred the risks attendant upon stray shot and shell from a British squadron, audaciously fired upon by numerous batteries because it had signalled its intention to obtain redress for a barbarous murder and outrage committed upon British subjects, for which all redress had been evaded.

Subsequent events, the voluntary payment of the indemnity demanded, the formal obligation entered into to execute the murderers of Mr. Richardson when arrested, the professions of friendship cheerfully expressed by Satsuma's Envoys on behalf of their Chief, their desire to cultivate friendly and social intercourse with the British nation, and their good humour and graceful offerings (of fruit) to the crew of the flag-ship of the British Admiral, after the facts of Kagosima—would all imply that the agents of Her Majesty displayed a degree of caution and moderation duly appreciated by those most deeply interested.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

Inclosure in No. 5.

Purport of the Conversation and Statements of the Agents of the Prince of Satsuma on the occasion of the Payment of the Indemnity Money at Her Majesty's Legation on the 11th day of December, 1863.

THE agents for the payment of the indemnity stated that they had taken advantage of a coming typhoon at Kagosima to fire on the squadron, but that the typhoon had been the cause of the extent of the conflagration, and in consequence of there being no people in the town to put it out.

That the number of soldiers collected in and about the batteries was 6,000.

That immediately upon the appearance of the squadron, and even previously (as they had heard through Nagasaki it was coming), the Prince of Satsuma had ordered the inhabitants to retire into the villages, and that therefore no harm had happened to the people.

That if we returned to Kagosima we should find the town nearly restored to its original state.

That reserves of soldiers were kept outside the batteries, but that it was difficult to get them to go into them to supply the place of those who were killed.

That immediately upon our taking the steamers a horseman had been despatched at full speed to ask the Prince of Satsuma what should be done, when he directed that the batteries should immediately open fire upon the squadron.

(Signed)

ABEL A. J. GOWER.
JOHN MACDONALD.
LACHLAND FLETCHER.
A. von SIEBOLD.

No. 6.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, March 16, 1864.

I HAVE to express to you the satisfaction of Her Majesty's Government at the settlement of their demands on the Prince of Satsuma, as reported in your despatch of the 17th of December last,* and I have further to inform you that they entirely approve your proceedings as reported in that despatch.

I am, &c.

(Signed) RUSSELL.

No. 7.

Earl Russell to Lieutenant-Colonel Neale.

Sir,

Foreign Office, March 16, 1864.

I HAVE to inform you that Her Majesty's Government approve the letter which you addressed to Admiral Kuper on the 14th of December last relative to the settlement of their differences with the Prince of Satsuma, a copy of which is inclosed in your despatch of the 17th of December.*

I am, &c.
(Signed) RUSSELL.

* No. 2.

JAPAN. No. 2. (1864.)

Correspondence respecting Affairs in Japan.

(In continuation of Correspondence presented to
Parliament February 4, 1864.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

CORRESPONDENCE

RESPECTING THE

CONSTRUCTION OF A TELEGRAPH LINE

THROUGH

PERSIA.

*Presented to the House of Commons, by Command of Her Majesty, in pursuance of their
Address dated February 15, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

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LIST OF PAPERS.

No.									Page
1.	Mr. Merivale to Lord Wodehouse	..	..	..	..	..	May	17, 1861	1
	Two Inclosures.								
2.	Earl Russell to Mr. Alison	..	..	..	..	..	May	28, —	2
3.	Earl de Grey and Ripon to Lord Wodehouse	..	..	..	..	..	June	1, —	2
	Two Inclosures.								
4.	Earl Russell to Mr. Alison	..	..	..	..	..	June	6, —	3
5.	Mr. Merivale to Lord Wodehouse	..	..	..	..	..	June	6, —	4
6.	Mr. Alison to Earl Russell	..	..	..	..	..	September	4, —	4
	One Inclosure.								
7.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	November	1, —	5
8.	Mr. Melvill to Mr. Hammond	..	..	..	..	..	November	26, —	5
9.	Earl Russell to Mr. Alison	..	..	..	..	..	December	2, —	5
10.	Mr. Alison to Earl Russell	..	..	..	..	..	November	5, —	5
11.	Mr. Alison to Earl Russell	..	..	..	..	..	November	6, —	6
	Two Inclosures.								
12.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	December	17, —	8
13.	Mr. Alison to Earl Russell	..	..	..	..	..	November	19, —	8
14.	Mr. Baring to Mr. Hammond	..	..	..	..	..	January	22, 1862	9
15.	Earl Russell to Mr. Alison	..	..	..	..	..	February	18, —	9
16.	Mr. Alison to Earl Russell	..	..	..	..	..	February	17, —	10
17.	Mr. Baring to Mr. Hammond	..	..	..	..	..	March	10, —	10
18.	Earl Russell to Mr. Alison	..	..	..	..	..	March	12, —	11
19.	Mr. Alison to Earl Russell	..	..	..	..	..	April	25, —	11
20.	Mr. Alison to Earl Russell	..	..	..	..	..	May	30, —	11
21.	Mr. Merivale to Mr. Hammond	..	..	..	..	..	September	10, —	12
22.	Earl Russell to Mr. Alison	..	..	..	..	..	September	11, —	12
23.	Mr. Melvill to Mr. Hammond	..	..	..	..	..	October	17, —	12
24.	Earl Russell to Mr. Alison	..	..	..	..	..	October	18, —	12
25.	Mr. Alison to Earl Russell	..	..	..	..	..	November	4, —	13
26.	Mr. Thomson to Earl Russell	..	..	..	..	..	December	3, —	13
	Two Inclosures.								
27.	Mr. Eastwick to Earl Russell	..	..	..	..	..	December	19, —	15
	Three Inclosures.								
28.	Mr. Merivale to Mr. Hammond	..	..	..	..	..	February	6, 1863	17
29.	Mr. Baring to Mr. Hammond	..	..	..	..	..	February	19, —	18
	One Inclosure.								
30.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	February	21, —	19
31.	Mr. Hammond to Mr. Thomson	..	..	..	..	..	February	26, —	20
32.	Mr. Eastwick to Earl Russell	..	..	..	..	..	February	7, —	20
33.	Mr. Baring to Mr. Hammond	..	..	..	..	..	April	1, —	20
	One Inclosure.								
34.	Earl Russell to Sir H. Bulwer	..	..	..	..	..	April	2, —	21
35.	Mr. Thomson to Earl Russell	..	..	..	..	..	March	10, —	22
36.	Mr. Baring to Mr. Hammond	..	..	..	..	..	April	28, —	22
37.	Earl Russell to Mr. Thomson	..	..	..	..	..	May	6, —	23
38.	Earl Russell to Sir H. Bulwer	..	..	..	..	..	May	6, —	23
39.	Mr. Thomson to Earl Russell	..	..	..	..	..	April	12, —	24
40.	Mr. Thomson to Earl Russell	..	..	..	..	..	April	13, —	24
	One Inclosure.								
41.	Mr. Thomson to Earl Russell	..	..	..	..	..	May	12, —	25
42.	Mr. Baring to Mr. Hammond	..	..	..	..	..	July	3, —	25
43.	Mr. Thomson to Earl Russell	..	..	..	..	..	May	29, —	25
	Two Inclosures.								
44.	Mr. Thomson to Earl Russell	..	..	..	..	..	June	5, —	26
45.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	July	6, —	27
46.	Sir H. Bulwer to Earl Russell	..	..	..	..	..	July	9, —	27
	One Inclosure.								
47.	Mr. Layard to Mr. Merivale	..	..	..	..	..	July	20, —	28
48.	Mr. Thomson to Earl Russell	..	..	..	..	..	July	4, —	29
49.	Mr. Melvill to Mr. Hammond	..	..	..	..	..	August	7, —	29
50.	Mr. Hammond to Mr. Melvill	..	..	..	..	..	August	11, —	30
51.	Sir H. Bulwer to Earl Russell	..	..	..	..	..	July	31, —	30
	One Inclosure.								
52.	Mr. Melvill to Mr. Hammond	..	..	..	..	..	August	12, —	31
	One Inclosure.								

No.								Page
53.	Mr. Layard to Mr. Merivale	..	..	..	..	..	August 13, 1863	34
54.	Mr. Melvill to Mr. Layard	..	..	..	..	..	August 13, —	34
55.	Mr. Melvill to Mr. Hammond	..	..	..	..	..	August 13, —	34
56.	Earl Russell to Mr. Alison	..	..	..	..	..	August 13, —	35
57.	Mr. Layard to Mr. Melvill	..	..	..	..	..	August 14, —	35
58.	Mr. Melvill to Mr. Hammond	..	..	..	..	..	August 17, —	35
59.	Earl Russell to Mr. Thomson	..	..	..	..	..	August 24, —	36
60.	Earl Russell to Mr. Alison	..	..	..	..	..	August 24, —	36
61.	Earl Russell to Sir H. Bulwer	..	..	..	..	..	August 24, —	36
62.	Mr. Layard to Mr. Melvill	..	..	..	..	..	August 25, —	37
63.	Mr. Melvill to Mr. Layard	..	..	..	..	..	August 26, —	37
64.	Mr. Melvill to Mr. Layard	..	..	..	..	..	August 27, —	37
65.	Earl Russell to Sir H. Bulwer	..	..	..	..	..	September 8, —	38
66.	Mr. Merivale to Mr. Hammond	..	..	..	..	..	September 11, —	39
67.	Earl Russell to Mr. Alison	..	..	..	..	..	September 11, —	39
68.	Mr. Merivale to Mr. Hammond	..	..	..	..	..	September 11, —	39
69.	Earl Russell to Sir H. Bulwer	..	..	..	..	..	September 15, —	40
70.	Earl Russell to Mr. Alison	..	..	..	..	..	September 23, —	40
	One Inclosure.							
71.	Mr. Merivale to Mr. Hammond	..	..	..	..	..	September 28, —	41
72.	Earl Russell to Sir H. Bulwer	..	..	..	..	..	September 29, —	41
73.	Sir H. Bulwer to Earl Russell	..	..	..	..	..	October 15, —	42
	One Inclosure.							
74.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	October 24, —	43
75.	Sir H. Bulwer to Earl Russell	..	..	..	..	..	October 20, —	43
	One Inclosure.							
76.	Mr. Baring to Mr. Hammond	..	..	..	..	..	November 2, —	46
77.	Mr. Alison to Earl Russell	..	..	..	..	..	October 5, —	46
78.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	November 4, —	47
79.	Earl Russell to Sir H. Bulwer	..	..	..	..	..	November 5, —	47
80.	Mr. Alison to Earl Russell	..	..	..	..	..	October 5, —	47
	One Inclosure.							
81.	Mr. Alison to Earl Russell	..	..	..	..	..	October 19, —	49
	One Inclosure.							
82.	Mr. Erskine to Earl Russell	..	..	..	..	..	November 11, —	49
83.	Mr. Merivale to Mr. Hammond	..	..	..	..	..	December 2, —	50
	One Inclosure.							
84.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	December 3, —	53
85.	Earl Russell to Mr. Erskine	..	..	..	..	..	December 3, —	53
86.	Mr. Alison to Earl Russell	..	..	..	..	..	November 3, —	53
87.	Mr. Erskine to Earl Russell	..	..	..	..	..	December 7, —	54
	One Inclosure.							
88.	Mr. Erskine to Earl Russell	..	..	..	..	..	December 9, —	57
89.	Mr. Erskine to Earl Russell	..	..	..	..	..	December 10, —	57
	One Inclosure.							
90.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	December 22, —	58
91.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	December 22, —	58
92.	Mr. Hammond to Mr. Merivale	..	..	..	..	..	December 24, —	59

RETURN to an Address of the Honourable the House of Commons, dated February 15, 1864;
for—

“A Copy of the Agreement with the Persian Government, arranged by Mr. Eastwick in December 1862, for the purpose of constructing a Line of Telegraph through Persia, and of all Correspondence relating thereto.”

No. 1.

Mr. Merivale to Lord Wodehouse.—(Received May 18.)

My Lord,

India Office, May 17, 1861.

I AM directed by Sir Charles Wood to forward, herewith, for Lord John Russell's information, the copy of a letter and its inclosure which has been addressed to the Persian Ambassador at this Court, regarding a proposed agreement between the Indian and the Persian Governments for constructing a line of telegraph through Persia to India.

I have, &c.

(Signed) HERMAN MERIVALE.

Inclosure 1 in No. 1.

Sir C. Wood to Meerza Djaaffer Khan.

Sir,

India Office, May 17, 1861.

IN accordance with the understanding at the last interview which I had the pleasure of having with your Excellency, I beg to forward to you a Memorandum of the terms on which I am of opinion that an agreement might be made between the Persian and Indian Governments for the construction of a line of telegraph from the Turkish frontier through Persia to Bunder Abbas, which shall form a component part of a line of telegraph from this country to India; and, in doing so, I request that your Excellency will express to His Majesty the Shah the gratification with which Her Majesty's Government will co-operate with His Majesty in establishing a system of communication which cannot fail to be of mutual advantage to both countries.

In order to save the next season for work, it would be necessary to take immediate measures for providing the stores which must be sent from this country. I have therefore to enquire whether, in the opinion of your Excellency, His Majesty the Shah will concur in the expediency of commencing operations in October next.

I have, &c.

(Signed) C. WOOD.

Inclosure 2 in No. 1.

Memorandum of proposed Terms of Agreement.

1. That the line should commence at Bagdad, proceed from thence to Tehran and, from that city, *vid* Ispahan and Sheraz, to Bunder Abbas.

2. That the expense of constructing the work should be shared equally by the two countries.*

3. That the line should be executed under the superintendence of British officers, to be selected by the Secretary of State for India.

* In carrying out this condition it should be understood that the Persian Government will provide the timber posts, the inland carriage, and the labour; the Indian Government supplying the iron wire, insulators, &c., at such ports as may be decided on.

4. That the line should consist of two wires, one of which should be for the exclusive use of the Persian and British Governments respectively. If either wire should become unserviceable, the one in good order should be available for both Governments.

5. That the expense of working and maintaining the line be divided between the two Governments; but that each Government should be entitled to be repaid the amount of this charge from the value of the messages sent by them respectively according to the rates specified in a tariff to be determined on.

6. As the line, when finished, will be the property of the Persian Government, the sums advanced by the British Government for the construction of the line should be repaid to them by the value of the messages sent by them beyond that required for defraying their share of the maintenance and working the line, calculated as above.

7. In the event of the line being destroyed by subjects of the Shah, or in the event of the British and Indian Governments being deprived of its use by the act of a subject of the Persian Government, before the British Government is repaid under Clause 6, the sum due to the British Government should be repaid to them by the Government of Persia.

No. 2.

Earl Russell to Mr. Alison.

Sir,

Foreign Office, May 28, 1861.

I TRANSMIT for your information a copy of a letter from the India Office,* inclosing a communication which Secretary Sir Charles Wood has addressed to the Persian Ambassador at this Court, respecting a projected agreement between the Persian and Indian Governments for the construction of a telegraph through Persia to India.

I shall be glad to receive any observations which you may have to make upon this subject.

I am, &c.

(Signed) RUSSELL.

No. 3.

Earl de Grey and Ripon to Lord Wodehouse.—(Received June 3.)

(Extract.)

India Office, June 1, 1861.

IN continuation of my letter dated the 17th instant, I have to forward herewith, by desire of Sir Charles Wood, copy of a letter which has been received from the Persian Ambassador at this Court, and of the reply thereto, regarding the construction of a line of telegraph through Persia.

Inclosure 1 in No. 3.

Meerza Djaaffer Khan to Sir C. Wood.

(Translation.)

(Extract.)

Claridge's Hotel, May 20, 1861.

I HAVE the honour to acknowledge the receipt of your letter of the 17th of May, and as I find that certain matters contained in it are not exactly in conformity with the wishes which I expressed to you at our recent interview, I beg to trouble you with the following observations on the points at issue.

The Persian Government is not in itself at all anxious about the construction of telegraphs in the Persian territory, because it feels that there are many other branches of public expenditure that are of more importance to the country; and if His Majesty the Shah could be thus induced to support such an undertaking, it would be mainly with a view of thereby securing the friendship and good feeling of the English Government. It appears to me that two modes of proceeding, in regard to the telegraph, offer themselves for consideration.

Firstly.—The British Government might obtain the sanction of Persia to the construction of a telegraphic line upon Persian soil from Bagdad towards Kurrachee by whatever route

might be thought advisable, the Persian Government being granted in return the privilege of transmitting a certain number of words daily through the telegraph, free of expense; and the telegraph and its revenues becoming the property of the Persian Government, after remaining for a certain number of years in the hands of the British constructors (a proposition to this effect has indeed been already made from Paris to the Government of Persia); and the Persian Government would on its part engage that the material required from the country for the use of the telegraph should be supplied at the market rates, and would further use all due exertion in protecting the line.

The other mode of proceeding would lie in the construction of a telegraph from the Bagdad frontier (not from the city of Bagdad) to Bunder Abbas, at the joint expense of the English and Persian Governments, under certain conditions which I previously mentioned, and which I have now the honour to repeat: namely, that as there is really no public call for a telegraph in Persia itself, nor any possibility of the results obtained from it in the country being at all commensurate with the expense of making it, it would be necessary, in order to interest His Majesty the Shah in the undertaking, and to induce him to join in the construction of the line, that there should be a handsome bonus offered by the British Government, such as the supply of wire without deducting its expense from the value of messages transmitted, or the direct allowance of a sum of money independently of all joint outlay.

Inclosure 2 in No. 3.

Sir C. Wood to Meerza Djaaffer Khan.

(Extract.)

India Office, May 31, 1861.

I HAVE the honour to acknowledge the receipt of your Excellency's letter, dated the 20th instant, and with regard to the modified arrangements which you have proposed for taking the line of telegraph from this country to India through Persia, I have to state that, if instead of the proposed plan submitted with my letter of the 17th instant, His Majesty the Shah would prefer that the line from the frontier near Bagdad to Bunder Abbas should be altogether constructed and worked by British officers, and at the expense of the Indian Government. Her Majesty's Government will not object to the arrangement, upon the condition that the line should remain in the hands of the Indian Government for a certain number of years, say twenty-five, all expenses being paid and all receipts being retained by them, and that after this period, during which the Persian Government should have the privilege of transmitting a certain number of words daily free of expense, the telegraph and its revenues should become the property of the Persian Government, all expense attending the working and maintaining it being then, of course, borne by that Government, who should undertake to keep it in perfect working order and to convey the messages of the British and Indian Governments at a rate to be mutually agreed on.

No. 4.

Earl Russell to Mr. Alison.

(Extract.)

Foreign Office, June 6, 1861.

WITH reference to my despatch of the 28th ultimo, I transmit for your information a copy of a letter from the India Office,* inclosing further correspondence which has passed between the Secretary of State and Meerza Djaaffer Khan on the proposed construction of a telegraph through Persia to India.

You will perceive that the Persian Ambassador has proposed to modify the terms of agreement with regard to this projected telegraph which were communicated to his Excellency on the 17th of May, and that Sir Charles Wood has stated in his letter to the Persian Ambassador of the 31st ultimo the conditional modification to which he would agree, in the event of the non-acceptance of his original proposal by the Persian Government.

The Persian Ambassador is now on his way back to Persia, and will probably reach Tehran soon after my present instruction, and it is not, therefore, likely that much time would be lost, by waiting for his arrival, in obtaining decision with regard to the proposed telegraphic line.

No. 5.

Mr. Merivale to Lord Wodehouse.—(Received June 7.)

My Lord,

India Office, June 6, 1861.

WITH reference to my letters of the 17th May and 1st June, regarding the negotiations which have been going on for taking a line of telegraph from Turkey through Persia to India, I am desired by Sir Charles Wood to request that Sir Henry Bulwer may be instructed by Lord John Russell to tell Colonel Kemball that he is not to adopt measures for continuing the line from Bagdad to Bussorah, or any other place, without further orders from the Government.

It would at the same time be desirable that Sir Henry Bulwer should be asked to ascertain whether, in the event of the line from Bagdad to India, by Bussorah and the Persian Gulf, being superseded by one overland through Persia and Beloochistan, the Turkish Government would not consider that the Indian Government had fulfilled their engagement by connecting Bagdad with the proposed Persian line at the frontier near that place, instead of taking the line on to Bussorah.

I have, &c.

(Signed) HERMAN MERIVALE.

No. 6.

Mr. Alison to Earl Russell.—(Received October. 17.)

My Lord,

Camp near Tehran, September 4, 1861.

I RECEIVED the letter inclosed, in copy, from the Musheer-ed-Dowleh, on the 24th ultimo.

I was encouraged to hope, from the tenour of this communication, that the Government of the Shah was prepared to enter upon the subject of the telegraph line to India through Persia; but I was informed by the Minister for Foreign Affairs that it was the King's intention to wait for the arrival of Meerza Djafer Khan from Tabreez, and, under the instruction from your Lordship's office, I have assented to this course.

Meanwhile much valuable time is being lost by the dilatory movements of the ex-Ambassador; and, although he has been summoned by telegraph to proceed hither forthwith, I learn by a telegraphic despatch received yesterday, that he has not yet left Tabreez, and cannot, therefore, be expected to arrive here under twenty days at least.

I elicit from the Minister for Foreign Affairs that the Shah's Government has some misgivings as to its ability to protect the proposed line to Bunder Abbas, unless the British Government should consent to defray the expense.

His Excellency observed, "to protect the Tabreez line, which is on the safest route in Persia, we are obliged to employ 200 horsemen. To afford equal protection to the Bunder Abbas line would require nearly 2,000, and surely the Musheer-ed-Dowleh could not have meant that the expense of maintaining these should be defrayed by Persia."

These remarks, however, have reference only to the clause suggesting that the line should be constructed by and reserved for the exclusive use of the Indian Government for a certain number of years.

In this case the advantage to be derived by Persia, of having a certain number of words conveyed daily free of expense, would not compensate for the heavy expense attending the protection of the line.

I think it would be desirable that a gentleman conversant with the subject of telegraphic communication in all its details, should be attached to this Mission pending the negotiations.

I have, &c.

(Signed) C. ALISON.

Inclosure in No. 6.

Meerza Djafer Khan to Mr. Alison.

(Translation.)

(Extract.)

August 10, 1861.

THANK God, I have reached Tabreez in good health on my return from London. It was my intention to proceed without delay to the capital. But, owing to the non-arrival of the baggage of this Embassy, and with a view to the arrangement of certain matters connected with this Province, it became necessary that I should remain some time at Tabreez.

The British Government, being desirous that a telegraph should be extended from Bagdad to Kurrachee, and that an arrangement to that effect should be made as soon as possible with the Persian Ministers, and also that the necessary materials should this year be conveyed to Bunder Abbas, I gave a promise to Sir Charles Wood that I should do everything in my power to reach Tehran soon.

If you deem it expedient that no more time should be lost, you might, without waiting to hear further from me, begin to discuss the settlement of this question with the Minister for Foreign Affairs, Meerza Saeed Khan.

Please God, this important affair will, through your good exertions and zeal for the interests of both Governments and for the welfare of Persia, be brought to a speedy and satisfactory result.

It is not improbable that I may reach Tehran before the termination of your negotiations.

No. 7.

Mr. Hammond to Mr. Merivale.

Sir,

Foreign Office, November 8, 1861.

I AM directed by Earl Russell to transmit to you, to be laid before the Secretary of State for India, copies of a despatch and of its inclosure from Her Majesty's Minister in Persia,* respecting the proposed line of telegraph through that country to India. Mr. Alison suggests that some person conversant with the subject of telegraphic communication in all its details should be sent out to Tehran, to remain there during the negotiations with the Persian Government; and I am to state that Lord Russell would be glad to know whether Sir Charles Wood deems it expedient to act upon this suggestion by appointing such a person to proceed to the Persian capital.

I have, &c.

(Signed) E. HAMMOND.

No. 8.

Mr. Melvill to Mr. Hammond.—(Received November 27.)

Sir,

India Office, November 26, 1861.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 8th instant, and to state, in reply, that instructions will be sent to the Government of India to take immediate measures for deputing to Persia an officer in all respects qualified, not only to assist in the negotiations, but to advise as to what may be the most suitable direction for the line of telegraph.

I am, &c.

(Signed) J. COSMO MELVILL.

No. 9.

Earl Russell to Mr. Alison.

(Extract.)

Foreign Office, December 2, 1861.

INSTRUCTIONS will be sent to the Government of India to take immediate measures for deputing to Persia an officer in all respects qualified, not only to assist in the negotiations, but to advise as to what may be the most suitable direction for the line of telegraph.

No. 10.

Mr. Alison to Earl Russell.—(Received December 14.)

(Extract.)

Tehran, November 5, 1861.

ON the 24th ultimo the Under Secretary of State for Foreign Affairs called upon me on the part of the Meerza Saeed Khan, and stated that the Persian Government accepted the

proposals made on the part of Her Majesty's Government for the construction of the telegraph, with certain additional conditions, viz :—

1. That in case of England being at war with some other state, and Persia being induced by that state to stop the working of the line, then Persia should pay to England the whole expense incurred in the construction and working of the line, deducting the amount which may have been received up to that time for messages.

2. That every person employed for the protection of the line, whether Agent, Gholaum, or Sarbaz, that is, mounted or foot patrol, should be paid by the British Government.

3. That there being a tract of country in the direction of Scinde over which Persia claimed authority, but which would not pay for holding, the English should for the present protect the line in that tract of territory, but give to Persia a paper setting forth that the claim of Persia to that tract was not invalidated, and if Persia should hereafter be strong enough to protect the line, then the British Government would resign the protection of it into the hands of Persia.

The first part of these conditions, the Under Secretary states, had been proposed by the Musheer-ed-Dowleh to Sir Charles Wood, and accepted by him, although it does not appear in the correspondence from the India Office forwarded to me by your Lordship.

With respect to the second condition, it might be impolitic on the part of Her Majesty's Government to refuse to contribute in a liberal spirit towards the protection of the line, for such a course might serve as an excuse for its frequent interruption. But it will be necessary to come to a full understanding on this subject, more particularly as the insertion of the word "Sarbaz," or soldier, would seem to imply an intention on the part of the Persian Government to provide for a certain number of its troops.

The Musheer-ed-Dowleh thinks that 6,000*l.* per annum will cover all expenses.

With respect to the third additional clause, I think it is immaterial whether Her Majesty's Government agree to it or not.

With the view of affording Her Majesty's Government the fullest information on this subject, as well as to state with indisputable accuracy the text of the proposed additions, I have endeavoured to procure them in writing, and in a more developed state, from the Persian Minister for Foreign Affairs ; but, although promised to me several times, the paper will not be forthcoming, I fear, in time to go by this messenger.

The Musheer-ed-Dowleh, in the mean time, called upon me with the evident intention of committing me to an acceptance of the proposed additions ; but I told him that it was impossible for me to form a just appreciation of them, unless I received them in writing.

In the event of Her Majesty's Government being able to come to a decision on the information thus far conveyed to it, I would suggest that a draft of Convention, or Agreement, be prepared at the Foreign Office, and sent out by a gentleman conversant with the details of the telegraphic system.

No. 11.

Mr. Alison to Earl Russell.—(Received December 14.)

My Lord,

Tehran, November 6, 1861.

WITH reference to my despatch of yesterday's date, respecting the proposed telegraphic line through Persia, I have the honour to inclose copy and translation of a paper which has been just sent to me by the Persian Minister for Foreign Affairs.

The report of the First Meerza, conveying his Excellency's message, is also enclosed in translation.

This Memorandum contains the additional articles stipulated for by Persia, as already reported, in a more stringent form, with an additional article, by which Persia may at any time purchase the line, and take upon itself the expense of protecting it ; and which, if ever carried into effect, would annul the right of the British Government to maintain possession for twenty-five years.

There is no time before the departure of the messenger to see the Minister for Foreign Affairs on this subject, but I shall inform his Excellency that I have referred the question to the decision of Her Majesty's Government.

I have, &c.
(Signed) C. ALISON.

Inclosure 1 in No. 11.

Memorandum.(Translation.) *Tehran, November 6, 1861.*

WITH regard to the carrying the line of telegraph from Bagdad to the Port of Kurrachee through the Persian territory, the following conditions have been proposed:—

1st. The expenses of construction shall be defrayed by the English Government from first to last.

2ndly. The line shall remain in the hands of persons appointed by the said English Government, without the interference of any other party, for twenty-five years, and during the said period the profits of the line shall be received by the English Government.

3rdly. The Persian Government shall have the right to transmit a number of words, which shall be agreed upon, to any place it may desire, in the form of question and answer, without payment.

4thly. The Persian Government shall issue a stringent order that in every province the materials for the telegraph shall be sold to the English officers at the current price of the day, and no higher price shall be demanded.

5thly. The Persian Government shall use its utmost endeavour to protect the line.

6thly. If the English Government shall be at war with a foreign Government, and the Persian Government through the influence and at the instigation of that foreign Power shall stop (the extension of) the telegraph line through its own territories, then the Persian Government shall be bound to pay, after deducting the profits, the balance of expenses incurred by the English Government for the line.

The above conditions have been submitted to His Majesty the Shah, and, in accordance with his decision, the Persian Government will accept them with the following additional provisos:—

That the English Government shall pay the expenses of protecting the line as far as the Persian Government has the power and authority to protect it.

Also that the English Government shall engage that whatever power and authority, and proprietary right the Persian Government from former times to the present day possessed and possesses, from Bunder Abbas to the frontier of Scinde, shall remain in *statu quo*, without augmentation or diminution.

Also that whenever the Persian Government shall, from any cause whatever, desire to increase its power in those territories, the English Government shall in no way whatever either overtly or secretly oppose the same.

Also, that if the Persian Government, through the increase of its authority and power, should be able to undertake the protection of the line in those its territories, then the expense of protecting the line there also shall be defrayed by the English Government.

If the Persian Government should at any time consider it desirable to reimburse the English Government for the expenses of the telegraph from Khanakeen to the other extremity of its territories, after deducting the profits received during the intervening period, and shall not require the expenses for protecting the line, then the telegraph from Khanakeen to the aforesaid point, both as regards the property and the profits, shall belong to the Persian Government.

Minor points, which do not require to be specified at present, shall be settled between the agents of the two Governments when the work is commenced.

Inclosure 2 in No. 11.

Meerza Sultan Khan to Mr. Alison.(Translation.) *November 6, 1861.*

THE Persian Minister for Foreign Affairs having this day sent for me, gave me the Memorandum which had been written regarding the telegraph, and said that His Majesty the Shah had requested that the British Minister should have the Memorandum clearly translated and sent to the English Government.

If the English Government had given to the British Minister such full powers as that he did not require a second permission, then it might be arranged that the contract be concluded. If not, the British Minister might communicate the matter to the British Government, and after obtaining the sanction of his Government, the Persian Government was ready to conclude the contract, in accordance with the conditions specified in the Memorandum.

No. 12.

Mr. Hammond to Mr. Merivale.

Sir,

Foreign Office, December 17, 1861.

WITH reference to my letter of the 6th instant, inclosing a copy of a telegram from Her Majesty's Ambassador at the Porte, stating that the Persian Government were willing to accept the proposals of Her Majesty's Government for the construction of a line of telegraph through Persia, with three additional conditions, I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir C. Wood, a copy of a despatch from Her Majesty's Minister at Tehran, reporting the nature of these additional conditions, and giving his opinion with respect to them.

I am to add that a further despatch from Mr. Alison on this subject, of the 6th of November, has been marked by him as having been sent in copy to the India Office.

I have, &c.

(Signed) E. HAMMOND.

No. 13.

Mr. Alison to Earl Russell.—(Received January 23, 1862.)

(Extract.)

Tehran, November 19, 1861.

FERROOKH KHAN called upon me a few days ago, and dwelt much on the subject of the projected telegraph through Persia. He expressed an anxious desire that it should be carried out.

I observed to his Excellency, that it was a pity the proposals made by Her Majesty's Government had not been accepted unconditionally by Persia.

On my observing that, though I had tried to elicit a clear answer, I was still kept in the dark as to the probable cost of protecting the line, Ferrookh Khan assured me that Her Majesty's Government need not trouble their minds on this score. The expense of protecting the line now established between Tehran and Tabreez could at any moment be ascertained and taken as a basis whereon to reckon the cost of protecting the line between Khanakeen and Bunder Abbas. The amount would not, in his opinion, exceed, at the utmost, 30,000 tomans, (14,500*l.*) a-year.

I then took occasion to remark, that it would have been better had the conditions relative to the country between Bunder Abbas and Scinde been altogether left out; for these might require consideration and involve a delay of some time; while, if the telegraph was to be made, no time should be lost.

Ferrookh Khan thought that Persia ought not to be blamed for making some allusion to, and thus avoid future misunderstanding respecting a country which undoubtedly belonged to her, but over which she was not at present prepared to exercise a direct control.

He concluded by expressing a strong hope that I would do my utmost to induce Her Majesty's Government to adhere to their intention of extending the telegraphic line through Persia, which he looked upon as a matter of great importance to England, and as an immense boon to this country.

Subsequently to this interview I received a message from the Persian Minister for Foreign Affairs, that little weight need be attached to the stipulation regarding Persia's right to buy up the line at any time. Persia was never likely, his Excellency said, to pay the large sum requisite for this purpose. He added, that it was also very unlikely that action would ever be taken on the stipulation referring to Beloochistan.

The result of my inquiries respecting the telegraph between Tehran and Tabreez is, that its construction cost about 36,000 tomans (17,000*l.*); that, besides the persons employed at its four stations, about 39 in number, it is protected by 200 mounted guards, two for every "farsakh" or four miles; that half of these guards, being exempted from taxes, cost about 1,200*l.* a-year, and the other half about 2,500*l.*, besides the usual subsistence-allowance of a few pence a-day to every man. The posts on this line are made of poplar, and cost about 8*s.* 6*d.* each. Those on which the bells are fixed cost about 4*l.* each.

The person who superintends this line thinks that the construction of one from Khanakeen to Bunder Abbas would cost at least 50,000*l.*; and that it would be a very important precaution to have a Persian Commissioner of high rank appointed, who should have the charge of supplying us with all requisite materials.

No. 14.

Mr. Baring to Mr. Hammond.—(Received January 23.)

Sir, *India Office, January 22, 1862.*

I AM directed by Sir Charles Wood to acknowledge the receipt of your letter of the 17th ultimo, with its inclosures from Mr. Alison, announcing the conditions upon which the Persian Government has consented to accept the proposals made for the construction of a line of telegraph through Persia.

These conditions were embodied by the Persian Minister for Foreign Affairs in the Memorandum, a translation of which Mr. Alison has forwarded as Inclosure No. 1 of his letter of the 6th November last.

I am to offer the following observations upon the new Articles proposed by the Persian Government, which commence with that numbered 6 in the Memorandum.

Sir Charles Wood cannot anticipate that the Persian Government will ever act in so unfriendly a manner towards Her Majesty's Government as to interrupt the communication by telegraph through Persia to India, at the instigation of a foreign Power, whilst friendly relations between Great Britain and Persia are continued. In such a case, however, Her Majesty's Government would clearly be entitled to demand that the net expenses incurred by the Government of India in the construction and defence of the line should be paid by the Persian Government, and Sir Charles Wood does not see any objection to the insertion of an article in which the Persian Government admits this liability.

Sir Charles Wood cannot agree to the next new Article, which stipulates that the whole expenses of protecting the line shall be borne by the English Government. No reliable estimate of the cost of protection has been furnished; but the Secretary of State for India in Council will undertake to pay half the total expense to be incurred by the Persian Government for the protection of the line between Khanakeen and Bunder Abbas, a distance of about 1,300 miles, provided that the contribution does not exceed 6,000*l.* per annum, that payment is to cease if the communication is interrupted from want of efficient protection, and that the cost of repairing any damages or injury to the line, resulting from the want of protection, shall be deducted from the next payments.

With regard to the third condition, Sir Charles Wood is quite ready to agree to a stipulation that whatever claims the Persian Government may possess to the territory between Bunder Abbas and the frontier of Scinde, shall not be affected by any arrangement for the construction of the telegraph between those points; but he must decline to enter into any prospective arrangement as to the protection of the line through that country.

Sir Charles Wood has no objection to offer to the remaining new article, under which the Persian Government may at any time obtain possession of the telegraph by payment of the net expenses of its construction and defence.

Sir Charles Wood is disposed to agree with the suggestion contained in Mr. Alison's letter of the 19th November, that it would very much facilitate the construction of the line of telegraph if a Persian Commissioner of high rank is appointed who shall have charge of supplying all the requisite materials.

With reference to the concluding paragraph of Mr. Alison's letter of the 5th November, I am directed to acquaint you that Sir Charles Wood has suggested to the Government of India to depute Major Patrick Stewart, late Officiating Superintendent of the Indian Telegraphs, to Persia, in order to supply Mr. Alison with the technical information required by him.

I am, &c.

(Signed) T. G. BARING.

No. 15.

Earl Russell to Mr. Alison.

Sir, *Foreign Office, February 18, 1862.*

HER Majesty's Government have had under their consideration your despatches of the 5th, 6th, and 19th of November last, respecting the conditions upon which the Persian Government consents to accept the proposals of the British Government for the construction of a telegraphic line through Persia.

These conditions were embodied by the Persian Foreign Minister in a Memorandum which was inclosed in your despatch of the 6th of November.

I have now to state to you as regards the new articles proposed by the Persian Government, which commence with that numbered 6 in the above-named Memorandum, that Her Majesty's Government cannot anticipate that the Persian Government will ever act in so

unfriendly a manner towards this country as to interrupt the communication by telegraph through Persia to India at the instigation of any foreign Power whilst friendly relations exist between Persia and Great Britain.

In such a case, however, Her Majesty's Government would clearly be entitled to demand that the net expenses incurred by the Government of India in the construction and defence of the line should be paid by the Persian Government, and there does not appear to be any objection to the insertion of an article in which the Persian Government admits this liability.

Her Majesty's Government cannot agree to the next new article, which stipulates that the whole expenses of protecting the telegraphic line shall be borne by the English Government.

No reliable estimate of the cost of protection has been furnished; but the Secretary of State for India in Council will undertake to pay half the total expense to be incurred by the Persian Government for the protection of the line between Khanakeen and Bunder Abbas, a distance of about 1,300 miles, provided that the sum to be contributed by the Indian Government does not exceed 6,000*l.* per annum, that payment is to cease if the communication be interrupted from want of sufficient protection, and that the cost of repairing any damages or injury resulting to the line from the want of protection shall be deducted from the next payments.

With regard to the 3rd condition, Her Majesty's Government are quite ready to agree to a stipulation that whatever claims the Persian Government may possess to the territory between Bunder Abbas and the frontier of Scinde shall not be affected by any arrangement for the construction of the telegraph between those points; but Her Majesty's Government must decline to enter into any prospective engagement as to the protection of the line through that country.

Her Majesty's Government have no objection to the remaining new article, under which the Persian Government may at any time obtain possession of the telegraph by paying the net expenses of its construction and defence; and they are disposed to agree with the suggestion made in your despatch of the 19th of November, that it would very much facilitate the construction of the line if a Commissioner of high rank were appointed, who should have the charge of supplying all the requisite materials.

I have to add, that the Secretary of State has suggested to the Government of India to depute Major Patrick Stewart, late Officiating Superintendent of Indian Telegraphs, to Persia, in order to supply you with the technical information which you require.

I am, &c.
(Signed) RUSSELL.

No. 16.

Mr. Alison to Earl Russell.—(Received February 28.)

My Lord,

Tehran, January 17, 1862.

THE Ottoman Minister has mentioned to me that, at an audience which he had of the Shah a few days ago, His Majesty expressed a great desire for the establishment of an electric telegraph between Tehran and Bagdad; indeed, that the King seemed so earnest on the subject, that he assured Hayder Effendi that if the Porte began the extension of its wire from Bagdad at once, he would be ready to join it at Khanakeen on the frontier.

So far back as the 13th of October, 1860, I conveyed, at the King's desire, a message of a similar nature through Her Majesty's Ambassador at Constantinople; but, although the reply was favourable, no further step was taken in the matter here.

Looking to the number of Persian merchants and other subjects established throughout Turkey, and of pilgrims of all ranks who resort to the shrines of Kerbela and Mecca, it is anticipated that the establishment of such a line would be amply remunerative.

I have, &c.
(Signed) C. ALISON.

No. 17.

Mr. Baring to Mr. Hammond.—(Received March 11.)

Sir,

India Office, March 10, 1862

WITH reference to your letter of the 17th December last, and to my reply of the 22nd January, I am directed by the Secretary of State for India in Council to acquaint you that the Governor-General of India in Council has selected Major Patrick Stewart, of the Bengal

Engineers, and late Officiating Superintendent of Telegraphs in India, to proceed to Tehran, and to remain there attached to the Mission, during the continuance of the negotiations respecting the formation of a line of telegraph through Persia.

I am, &c.
(Signed) T. G. BARING.

No. 18.

Earl Russell to Mr. Alison.

Sir, *Foreign Office, March 12, 1862.*

WITH reference to the last paragraph of my instruction to you, of the 18th ultimo, I have to inform you that the Governor-General of India in Council has selected Major Patrick Stewart, of the Bengal Engineers, to proceed to Tehran, and to remain there attached to the British Mission during the continuance of the negotiations for the formation of a line of telegraph through Persia.

I am, &c.
(Signed) RUSSELL.

No. 19.

Mr Alison to Earl Russell.—(Received May 23.)

My Lord, *Tehran, April 25, 1862.*

YOUR Lordship's despatch, of the 18th of February, respecting the construction of the proposed telegraphic line through Persia reached me on the 12th instant, and I lost no time in communicating its contents to the Persian Government.

On the 22nd of April I received a message to the following purport from the Minister for Foreign Affairs, which was confirmed to me personally by his Excellency on the following day:—

“The Persian Government being on the most friendly terms with that of England, was anxious to meet the wishes of the latter as far as might be regarding the proposed line of telegraph. The Paper of Conditions sent by the Persian Government to Mr. Alison had been framed in that spirit, and was all that Persia could possibly agree to in return for the concession of permission to construct the telegraph. The English Government seemed to think that Persia had not gone so far as she might be induced to do, and therefore in Lord Russell's despatch various modifications of the Persian conditions had been proposed. The Shah was, therefore, obliged to say that he could not consent to any alteration whatever of the said conditions, nor could he agree to undertake anything which, perhaps, might be found difficult for him to carry out.

“There were many public works of utility which it would be desirable to carry out besides the telegraph; but looking to the calls for military matters, &c., the resources of Persia were not adequate to meet them; and indeed the King had been surprised that the British Government should have limited the sum to be appropriated by it for the protection of the line, before it has ascertained what the expense of protection would be.”

The subject of the telegraph may thus be considered to be completely disposed of for the present.

I have, &c.
(Signed) C. ALISON.

No. 20.

Mr. Alison to Earl Russell.—(Received July 2.)

My Lord, *Tehran, May 30, 1862.*

I AM informed by the Turkish Minister, that having received full powers from the Porte to conclude a Convention for the establishment of the telegraphic line between Bagdad and Tehran, in pursuance of a strong desire expressed on the part of the King, as reported in my despatch of the 17th January, he lost no time in communicating with the Persian Government on the subject.

Haidar Effendi was not a little surprised at being informed in reply that the King had changed his mind, and now meditated establishing a telegraphic line between Resht and Tehran.

I learn that it is the intention of the Russian Government to complete their telegraphic line to Tiflis, and to extend it, if possible, to Tabreez.

I have, &c.
(Signed) C. ALISON.

No. 21.

Mr. Merivale to Mr. Hammond.—(Received September 11.)

(Extract.)

India Office, September 10, 1862.

IT is evident that a second line from Bagdad, through Persia, to a suitable place on the coast, where it might be joined to the line through the Persian Gulf, would be of great value whether as an alternative or auxiliary line; and the most convenient place for such purpose would be Bushire. The great objection to the line hitherto proposed through Tehran, Ispahan, Shiraz, and Bunder Abbas, was owing to the great insecurity and consequent difficulty of providing for the protection of the last section of the route; but no such objection offers to a line to Bushire. The latter is the chief Persian seaport, and the country between it and Shiraz is perfectly tranquil.

Sir Charles Wood would therefore recommend that Her Majesty's Minister at Tehran be instructed to re-open negotiations with the Persian Government, with the view of ascertaining whether they are disposed to sanction the construction of a line of telegraph from Bagdad to Bushire, through Tehran, Ispahan, and Shiraz, such a line would offer greater advantages to Persia than one to Bunder Abbas, and would be free from the difficulties, political or otherwise, attending the latter. It may be expected, therefore, that proposals regarding it would be favourably received, but Mr. Alison might be directed to enquire on what conditions its construction would be likely to be sanctioned, and to submit the same for the consideration of Her Majesty's Government before committing himself by any formal offer.

No. 22.

Earl Russell to Mr. Alison.

(Extract.)

Foreign Office, September 11, 1862.

I TRANSMIT for your information a copy of a letter from the India Office, stating that it would be very desirable to have a second line from Bagdad through Persia, to a suitable place on the coast, where it might be joined to the line through the Persian Gulf. I have accordingly to instruct you to re-open negotiations with the Persian Government, with the view of carrying out the wishes of Her Majesty's Government, as set forth in the India Office letter.

No. 23.

Mr. Melvill to Mr. Hammond.—(Received October 18.)

Sir,

India Office, October 17, 1862.

I AM directed by the Secretary of State for India to inform you that it has been determined to effect telegraphic communication with India, in the first instance, by means of a cable to be laid down the Persian Gulf, and that it is intended to establish a station at Bushire, and, if necessary, at or near Bunder Abbas. I have accordingly to request that Earl Russell may be moved to issue instructions to Her Majesty's Envoy at Tehran to obtain the necessary permission from the Government of the Shah for that purpose.

I am, &c.
(Signed) J. COSMO MELVILL.

No. 24.

Earl Russell to Mr. Alison.

Sir,

Foreign Office, October 18, 1862.

I HAVE been informed by the Secretary of State for India that it has been determined to effect telegraphic communication with India, in the first instance, by means of a cable to be

laid down the Persian Gulf, and that it is intended to establish a station at Bushire, and also, if necessary, at or near Bunder Abbas. I have accordingly, in compliance with Sir Charles Wood's request, to instruct you to apply to the Persian Government for the necessary permission for that purpose.

I am, &c.
(Signed) RUSSELL.

No. 25.

Mr. Alison to Earl Russell.—(Received December 16.)

(Extract.)

Tehran, November 4, 1862.

WITH reference to your Lordship's despatch of the 11th of September, respecting a line of telegraph from Bagdad to Tehran and the Persian Gulf, I have the honour to report that I have recommended the subject to the favourable consideration of His Majesty the Shah, and that I have directed Mr. Thomson to communicate more fully on this matter with the Persian Ministers.

I take this opportunity of acquainting your Lordship that the Shah is making arrangements to carry out a line of telegraph to the Turkish frontier near Bagdad, the cost of which is to be defrayed out of the Government Treasury, and that a company is now being formed to lay down a telegraphic wire from the Capital to Shiraz. The Porte on its part prolongs its telegraph to meet the Persian line.

It must be always borne in mind that telegraphic lines in Persia are always getting out of order.

No. 26.

Mr. Thomson to Earl Russell.—(Received January 3, 1863.)

(Extract.)

Tehran, December 3, 1862.

I HAVE the honour to report that I have to-day received a formal assurance from the Shah, conveyed to me verbally through the Minister for Foreign Affairs, that His Majesty had decided upon at once undertaking, at his own expense, the construction of a line of telegraph from Khanakeen, on the Bagdad frontier, to Bushire, through Tehran, Ispahan, and Shiraz, which is intended to be in connexion with the proposed telegraph to India through the Persian Gulf.

Since Mr. Alison's departure, I have had frequent interviews with the Persian Ministers, with a view to ascertaining from them the most reasonable terms upon which they would sanction the construction of a telegraph on this line by the English Government; and at length, after a good deal of discussion, they stated to me the conditions which the Persian Government would be disposed to accept in such an arrangement. Although these terms have now been set aside by the resolution subsequently adopted by the Shah, it may not be uninteresting to your Lordship to learn what they were; and I therefore inclose, for your Lordship's information, a Memorandum in which they are embodied.

To-day I received a note from Meerza Saeed Khan, of which a translation is inclosed, announcing that he had received orders from the Shah to make a communication to me on the part of His Majesty, and I accordingly waited upon his Excellency during the afternoon. He stated that the terms which it was proposed to offer to Her Majesty's Government had yesterday been submitted to the Council of Ministers, who had approved of them and recommended His Majesty to sanction their being forwarded to England. The Shah had, however, said, that an arrangement of this nature, if really carried out, would probably lead to endless embarrassing discussions hereafter between the Persian Government and the English Mission; and that he was therefore of opinion that it would be better and more convenient for both parties if he caused the line to be constructed at his own expense, and undertook all the responsibility of working and guarding it himself. This proposition, the Minister of Foreign Affairs continued, had been fully discussed by the King and his Ministers, and, it having been agreed to, His Majesty had ordered him to inform me officially of the determination arrived at, in order that I might communicate the same to Her Majesty's Government. His Excellency added, that the Shah had estimated the expenses of constructing this line at 100,000 tomans, but that a larger sum would not be objected to in order to insure its being of a permanent and durable character; that orders had already been given by His Majesty to commence at once purchasing and collecting the materials which were procurable in this country, and that no time would be lost in obtaining the necessary wire and other articles required from Europe.

I took an opportunity, while asking for additional particulars regarding the number of wires to be laid down, and the period at which the line would be likely to be completed, to request his Excellency to transmit this message to me in writing, in order that I might forward a translation of it to your Lordship, and he promised to consult His Majesty on the subject, and send me a reply after doing so.

As it appears in the letter from the India Office, which formed the inclosure to your Lordship's despatch of September 11th, that the telegraph through Persia is only desired as an alternative or auxiliary line to that which is now being carried out between Bagdad and Bussorah, it may be considered preferable, I imagine, by your Lordship that the Persian Government should itself undertake the construction of the line without the English Government being committed to any engagements with Persia, or involved in any pecuniary liability with respect to this measure.

When this line is completed, should the Turkish Government carry out their intention of extending their telegraph from Sivas to Erzeroum, from which place they might be induced to bring it up to the Persian frontier, there would be little difficulty in persuading the Shah to carry on the telegraph which now exists between Tehran and Tabreez to meet the Turkish line, and by this means the English Government would be enabled to avail themselves of two distinct and separate lines all the way from Sivas to Bushire, between which points the real danger of interruption to our telegraphic communication with India is to be apprehended.

Inclosure 1 in No. 26.

Memorandum of Terms which the Persian Ministers had agreed to offer to the English Government, previous to the determination of the Shah to construct the Line between Khanakeen and Bushire at his own expense.

1. THE expenses of construction of the whole line to be defrayed by the English Government from first to last.
2. The line to remain in the hands of persons appointed by the English Government, without the interference of any other party, for a period of twenty-five years from the completion of the line, and during the said period the profits of the line to be received by the English Government; and after this period the telegraph and its revenues to become the property of the Persian Government, all expenses attending the working and maintaining it being then borne by the Persian Government, who undertake to keep it in perfect working order, and to convey the messages of the British Government at the rates usually charged on this line.
3. During the above period of twenty-five years the Persian Government to have the right to transmit free of charge to any station within its own territories messages to the extent of 500 words per diem.
4. The Persian Government to agree to provide the materials for the construction of this line of telegraph to the English officers in every province at the current price of the day.
5. The Persian Government to undertake to protect this line of telegraph from the frontier at Khanakeen, to Bushire, in consideration of receiving from the British Government the sum of 25,000 tomans annually. This payment to cease so long as the communication may be interrupted from want of sufficient protection, and the cost of repairing any damages or injuries resulting to the line from the want of protection to be deducted from the next payment.
6. The Persian Government to issue an edict making the possession of such English telegraphic stores as can be identified a penal offence.

Inclosure 2 in No. 26.

Meerza Saeed Khan to Mr. Thomson.

(Translation.)

December 3, 1862.

IT is necessary that I should meet you to-day, in order to convey to you a communication from his Majesty the Shah. I therefore beg to trouble you with the request that you will do me the pleasure to call upon me this afternoon, should you not be otherwise engaged, when I will state to you the message which His Majesty has been pleased, in consideration of the friendship subsisting between the two Governments, to send you.

Mr. Eastwick to Earl Russell.—(Received January 31, 1863.)

(Extract.)

Tehran, December 19, 1862.

THE state of the negotiations as regards the telegraph from Khanakeen to Tehran, and thence to Bushire, at the date of my arrival at Tehran was as follows. On the 4th of November, just before his departure, Mr. Alison had informed your Lordship that the Shah was arranging to carry a line from Tehran to Khanakeen, and that a Company was being formed to construct one from Tehran to Shiraz. Mr. Alison added with much truth "that "telegraphic lines in Persia," that is, made and managed by Persians, "are always getting out of order."

After Mr. Alison had gone, Mr. Thomson, as instructed, communicated more fully regarding the telegraph with the Persian Ministers. On the 3rd of this month Mr. Thomson informed your Lordship of the final determination of the Persian Government to construct the line themselves. On the 8th, Meerza Saeed Khan assured Mr. Thomson that the line would be constructed as strongly and durably as possible; but he at the same time pointed out that that perfection must not be looked for which is found in European lines.

In reply to an application made by Mr. Thomson, in obedience to your Lordship's despatch of October 18th, respecting stations at Bushire and Bunder Abbas, for what may be called the English line from Bagdad to India, the Minister for Foreign Affairs transmitted a letter, of which a copy is inclosed, and which appears to me to be a polite refusal.

On a consideration of all these circumstances, I could not regard the negotiation as at all in a promising state.

The general assurances of the Persian Government as to the proper construction and speedy completion of the line, could not be regarded as forming any guarantee whatever, and the scheme adopted to-day might be abandoned to-morrow. It was almost certain that, as Mr. Alison anticipated, the line would be badly made and faultily worked if left entirely to Persian management, and it seemed more than probable that there would be great difficulty in arranging for the carrying out the plans of Her Majesty's Government as regards the English stations at Bushire and Bunder Abbas. I therefore determined to attempt at once to put things on a more certain and satisfactory footing, and spoke both to Meerza Saeed Khan and the Amin-ed-Dowleh, and having ascertained that they would give me their cordial support, I wrote out a short Convention. The Ameen-ed-Dowleh made some alterations in this, and I then took the paper to the King, and read it to His Majesty at my private audience. The King declared himself satisfied with it; but he made a number of autograph alterations, and returned it to me in a few hours. I trust that, in the form in which the Convention is now drawn out, it will be satisfactory to Her Majesty's Government. It seems to me to possess all the advantages with none of the disadvantages of the original agreement between Sir C. Wood and the Musheer-ed-Dowleh. It is certain that the line will be well constructed and worked under Colonel Stewart, and the expense to Her Majesty's Government will only be that officer's, or his successor's, pay. Even this might be taken out in messages, and I had inserted an article to that effect, but the Amin-ed-Dowleh recommended me not to press it. I had also inserted that the quarterly audit should be attended by the Ameen-ed-Dowleh and the English Minister, with a view to protect Colonel Stewart against any annoyance. The Shah, however, struck this out, and the Ameen-ed-Dowleh explained to me that, as Colonel Stewart would order what he wanted, but would not make payments, no responsibility as regards money could attach to him.

I have only to add, that if your Lordship should think it advisable, I could get any not very important alterations made in the Convention by obtaining the Shah's permission to allow the Ameen-ed-Dowleh and Meerza Saeed Khan to discuss and frame such alterations with me, without the intervention of other parties.

Should your Lordship approve of the Convention, I would respectfully request that, to prevent any delays or vacillation, I may be informed of the acceptance of the articles by electric telegraph through Bagdad. At the same time, perhaps, it would be well if I were made acquainted with the scale of payments for messages to which Her Majesty's Government would assent.

Inclosure 1 in No. 27.

Meerza Saeed Khan to Mr. Thomson.

(Translation.)

December 8, 1862.

MR. THOMSON desired to be informed at what time the Persian Government intended to commence the construction of the telegraph, and when it would be completed. The reply is, that hitherto the Persian Ministers had not proposed to themselves to extend the telegraph to Bushire, but had simply intended to lay down a line from Tehran to Khanakeen. Two months ago they sent a special agent to Europe to purchase and forward to Persia the necessary wire, which he is now engaged in doing. Reckoning the time usually required for loads coming from Trebizond to Tehran, and considering the severe season now set in, it may be expected that these materials will arrive at the capital, if no accidents occur, about Now-Roos (March 21st), and whenever it arrives, in the commencement of spring, the work of laying down the wire from Tehran to Khanakeen will be begun, and in three months it will be completed. But with regard to that portion of the line from Tehran to Bushire, the wire has not yet been procured, nor have the necessary materials been prepared. Now, however, in compliance with the Shah's orders, another special agent will be sent to Europe with money to obtain the necessary wire; and steps will likewise be taken to get ready the materials in this country, so that the moment the wire is received operations will at once be commenced, and from the date of its reaching Tehran, in the space of four months, please God, the line to Bushire will be completed.

2. As to the question of how many wires it was proposed to lay down, it is evident that messages can be transmitted both ways by the same wire, and that it is not absolutely requisite to have two wires, one for the question, the other for the answer. The Persian Government would, therefore, consider this matter, and the requirements of the case. Should they perceive that one is insufficient for the number of communications, and that two wires would be more advantageous, they will not object to add to the number of wires; but in the event of one wire proving to be sufficient, and perhaps even there not being any necessity for using it the whole twenty-four hours, then, of course, the telegraph will remain with only one wire.

3. It was asked what description of wire and materials would be used in the construction of this line, and whether it was intended to carry out the work in a substantial manner, calculated to render it permanent, and diminish the risk of communications being interrupted, or whether it was proposed to construct the line similar to those now existing between Tehran, Tabreez, and Resht. Now it is certain that the Persian Government will endeavour to the utmost not to throw away its money, but to construct a telegraph which will be strong and durable, and not easily injured; but it is possible that accidents may occur, as elsewhere, either from violent storms of rain or snow, by which the line might be damaged, however solidly constructed, as sometimes occurs even in Europe. This is quite another question, and no one can feel certain that such accidents may not happen. The Tabreez and Resht wires, however, have never been injured in this way, and are in perfect working order. If they have ever suffered from these causes no real injury has been done to them. Telegraphs in Persia differ from those in Europe thus far: in European countries, the wire is carried along a straight and level road by the side of the railway, but in this country it has to be taken by most difficult and wild tracts, and at one time over a mountain of great height, and at another through a valley of considerable depth. This adds much to the difficulty both of the construction and protection of the telegraph.

Inclosure 2 in No. 27.

Meerza Saeed Khan to Mr. Thomson.

(Translation.)

December 9, 1862.

I HAVE received your letter dated the 5th instant. You state therein that a station was required at Bushire, and also, if necessary, at Bunder Abbas, for the telegraph which was, in the first instance, to be laid down in the Persian Gulf, in order to communicate with India, and you requested me to obtain the necessary permission for this purpose.

I have, in compliance with your request, represented the matter to the Shah, and His Majesty replied that the Persian Government would lay down a telegraphic wire on land to the sea-side, and all that was requisite for forwarding communications, &c., would be prepared at that station; and that, under these circumstances, it would be unnecessary for the English Government to make any preparations on land at Bushire or Bunder Abbas which would become useless after the Persian Government had completed its telegraph, with all that was requisite, thus entailing on the British Government a certain pecuniary loss.

Inclosure 3 in No. 27.

Articles of Convention respecting the Construction of a Telegraph between Khanakeen and Bushire, proposed by Mr. Eastwick to the Shah at a private audience on Wednesday the 17th of December, 1862, subject to the approval of the British Government, and accepted by the Persian Government on the same condition.

ARTICLE I.

THE exalted Government of Persia considers it necessary to construct a line of telegraph without delay from Khanakeen to the capital, Tehran, and from Tehran to the port of Bushire, and consents that, whenever the British Government may require to communicate by that telegraph it shall communicate accordingly by the said telegraph, paying for the same at rates to be fixed hereafter.

ARTICLE II.

The Persian Government will assign the sum sufficient for this telegraph,—that is, for laying it down and the purchase of such materials as are not procurable in Persia, or are better obtainable in Europe.

ARTICLE III.

The Persian Government agrees to purchase the materials which are better procurable in Europe of the English Government, and the English Government agrees to furnish the said materials at reasonable rates.

ARTICLE IV.

In order that this line of telegraph may be constructed in the best possible way, and may be efficiently worked, the Persian Government is willing to intrust it to the superintendence and direction of an English Engineer officer, who will be paid by his own Government; and the Persian Government will also fix a period for the employment of the said officer, in order that he may show how to construct and work the line. And his Royal Highness the Itizad-oo-Sultaneh, who is the Minister for Public Works, and his Excellency the Amin-ed-Dowleh, will have cognizance of what the said officer does.

ARTICLE V.

The said officer will be fully empowered to call upon the Persian authorities to supply any materials that he may think requisite for this work, and the said authorities will make no alteration in his requisitions unless in the case when it is impossible to get the thing wanted. But a Persian officer will always accompany the said Superintendent, who is to be informed of what he does, and of the price of the materials called for, and the accounts shall be audited by the aforesaid Prince and his Excellency the Amin-ed-Dowleh, and the audit shall be taken quarterly, and a report of it shall be drawn up and printed in the Tehran Gazette.

ARTICLE VI.

In order to increase the friendship between the two Governments and carry out this work, the English Government engages to convey to the Persian frontier such materials as, with the approval of the Persian Minister to the Court of St. James's, shall be purchased of the English Government, and to receive the purchase-money for the said articles from the Persian Government, by five instalments, in five years.

Written at the Bottom in the autograph of the Minister for Foreign Affairs.

The Persian Government agrees to this Convention if the English Government is willing, and the line will be commenced immediately, according to the above stipulations.

No. 28.

Mr. Merivale to Mr. Hammond.—(Received February 6.)

Sir, India Office, February 6, 1863.

WITH reference to Mr. Eastwick's despatch to Lord Russell, dated 19th December last, of which a copy has been forwarded to this office, I am directed by Secretary Sir Charles Wood to state that the Convention with respect to a telegraph from Khanakeen, *via* Tehran, to Bushire, therein reported to have been conditionally agreed to by the Shah, ought, in his

opinion, to be at once accepted by the British Government; and I am to request that his Lordship may be moved to telegraph to the Chargé d'Affaires at Tehran, advising him accordingly of its acceptance.*

I am, &c.
(Signed) HERMAN MERIVALE.

No. 29.

Mr. Baring to Mr. Hammond:—(Received February 20.

(Extract.)

India Office, February 19, 1863.

I AM directed to request that you will move Earl Russell to communicate the following particulars to Her Majesty's Minister in Persia:—Arrangements detailed in a separate Memorandum, herewith inclosed, will be immediately made for providing stores for a line which in the first instance will have a single wire only, but will eventually require a second.

English superintendence of the line should be continued for a period of five years.

Colonel Stewart will not be able personally to superintend the land line until the cable shall have been laid down in the Persian Gulf.

Lieutenant Champain has already been directed to proceed to England, but will return to Persia, accompanied by a suitable staff, by the time his services will be required in that country.

The Superintendent will require four superior assistants, and ten or twelve of the class of non-commissioned officers or trained artificers, or one for about every 100 miles.

The charge for messages from Bagdad, *via* Tehran, to Bushire may be fixed at first at 10s. 6d. for twenty words, though hereafter it may be found advisable to reduce it as low as 6s. 6d. for the same number of words.

In the Memorandum alluded to above, and which Sir Charles Wood requests may be sent *in extenso* to the Minister at Tehran, full information is furnished as to all the operations that will become necessary during the next six months, or till the European staff will be on the spot.

Inclosure in No. 29.

Memorandum of Proposed Persian Telegraphs from Khanakeen to Tehran and Bushire.

AGREEABLY to the terms of the Convention recently concluded, the European stores required for the whole extent of the line (including wire, insulators, tools, and instruments) shall be at once procured in this country for despatch to Persia. The actual extent of line is computed at 1,090 miles. But it is desirable to allow for such contingencies as loss, waste, or breakage of stores; and it is therefore proposed to supply them in quantities sufficient for 1200 miles of line. The greater part of these stores must be sent by sea to Bushire and Bussorah; those sent to the latter port, being intended for part of the line from Khanakeen towards Tehran, must be forwarded by river steamer to Bagdad. Two months may be required for the manufacture and shipment of these stores, and four months at least must be allowed for the voyage to the Persian Gulf. It is therefore improbable that they will be delivered at Bushire before August, or at Bagdad before September next. The delay likely to be thus caused makes it desirable to supply a larger proportion of the stores by the Trebizond and Tabreez route than the simple consideration of comparative cost of transport would seem to indicate. On these grounds it is proposed to send, *via* the Black Sea to Trebizond, stores sufficient for the line from Tehran to Hamadan (about 200 miles), and from Tehran to Kashan (about 170 miles), and the proportional distribution to the different ports would then be—

	Miles.
To Trebizond stores for	375
To Bushire	575
To Bussorah (for Bagdad)	250
Total Miles	1,200

* A telegram to that effect was accordingly sent through Her Majesty's Embassy at Constantinople.

The weight per mile of the stores may be taken as follows :—

Wire No. 6, B. W. G.	..	..	..	..	..	..	lbs.
Insulators, Screws, &c.	..	..	..	..	..	..	560
Proportion of Tools, &c.	..	..	..	..	..	..	120
							20
Total per statute mile,							700 lbs.

The stores will be subdivided and packed with special reference to facility of transport on baggage animals.

The stores sent *via* Trebizond may be looked for at that port towards the end of May.

Operations may, however, be commenced at once in Persia by procuring and distributing strong timber posts along the whole line.

It will probably be found advantageous to complete the arrangements for the supply of the whole of the supports, and for their transport to convenient depôts at short intervals along the line, before commencing to erect any of them. The disadvantages of using perfectly "green" and undried timber will thus be in some degree lessened. Further, when the timber for erecting the posts shall have arrived, this work should be commenced in the more level, open, and straight portions of the route, leaving till the arrival of European assistants the completion of those more difficult and exceptional portions of the line where alone it is of importance to select with care the exact direction of the line and positions for its support. For example, the posts may be erected for the whole distance from Tehran to Ispahan (260 miles) without the least difficulty, excepting as regards a length of perhaps 20 miles in the neighbourhood of Kohrood. It is at such exceptional portions of the line, where the road of necessity winds considerably, that the strongest and most substantial posts should be provided, and it is hoped that European inspectors may be on the spot to superintend and aid in the construction of these portions, long before the ordinary parts of the main line are completed.

In erecting the posts on the latter portions, the following are the only points to be observed :—

1st. The line must everywhere follow the general direction of the regular road, all the supports being so placed as to be within full view of, and easily accessible from, the road. As a general rule none of them should be at a greater distance than one quarter of a mile from the road, and ordinarily they should be within from 50 to 100 yards.

2nd. In the open, straight portions of the line, twenty-two posts per mile will be sufficient, of which at least two should be of not less than about six inches in diameter at the top. The remainder need not be more than four inches diameter, but it should be understood that these dimensions refer to the extremity or smallest portion of the post. The posts should ordinarily be not less than 18 feet, of which from 3 to $3\frac{1}{2}$ feet should be below the surface of the ground, and $14\frac{1}{2}$, or 15 feet above. In such portions of the line as that near Kohrood already referred to, or in the more difficult parts of the hilly country between Shiraz and Bushire, strong posts in the proportion of about thirty to the mile should be provided. But as they will frequently be placed on ridges or slight elevations, it is not necessary to stipulate for a length of more than sixteen feet in all for the posts to be used in such localities.

The fixing of insulators and straining and attaching the wire will thus be made a later and a distinct operation, during the whole of which European assistance and co-operation can be provided.

The establishment and organization of offices and mode of working the completed line need not as yet be referred, to further than by saying that these subjects shall be considered and arranged for when providing the European staff for the earlier operations of construction.

(Signed) P. STEWART.

No. 39.

Mr. Hammond to Mr. Merivale.

(Extract.)

Foreign Office, February 21, 1863.

I AM directed by Earl Russell to transmit to you herewith, to be laid before Secretary Sir Charles Wood, with reference to your letter of the 19th instant, a copy of the instruction on the subject of telegraphic communication through Persia, which will be forwarded to Her Majesty's Chargé d'Affaires at Tehran on the 26th instant.*

No. 31.

Mr. Hammond to Mr. Thomson.

Sir,

Foreign Office, February 26, 1863.

I SENT you on the 11th instant, through Her Majesty's Ambassador at Constantinople, the following telegram:—

"The stores, wires, and insulators for the Persian telegraph cannot be at Bushire till August next; but work may be at once commenced by procuring and distributing strong timber posts along the whole line, which should everywhere follow the regular road.

"The other points will be dealt with hereafter."

With reference to the last paragraph of the above telegram, I have now to inform you that the arrangements detailed in the inclosed Memorandum will be immediately made by the India Office for providing stores for a line which, in the first instance, will have a single wire only, but which will eventually require a second.

English superintendence of the line should be continued for a period of five years.

Colonel Stewart will not be able personally to superintend the land line until the cable shall have been laid down in the Persian Gulf.

Lieutenant Champain has already been directed to proceed to England, but will return to Persia, accompanied by a suitable staff, by the time his services will be required in that country.

The Superintendent will require four superior assistants, and ten or twelve of the class of non-commissioned officers or trained artificers, or one for about every hundred miles.

The charge for messages from Bagdad, via Tehran, to Bushire, may be fixed at first at 10s. 6d. per twenty words, though hereafter it may be found advisable to reduce it as low as 6s. 6d. for the same number of words.

Full information is furnished in the accompanying Memorandum as to all the operations which will become necessary during the next six months, or until the European staff will be on the spot.

I am, &c.

(Signed) E. HAMMOND.

No. 32.

Mr. Eastwick to Earl Russell.—(Received March 28.)

My Lord,

Tehran, February 7, 1863.

WITH reference to your Lordship's despatch of the 18th of October, I have the honour to state that I have not mentioned the subject of that despatch to the Persian Government, because I am certain that separate stations for the Turco-Indian line of telegraph at Bushire and Bunder Abbas can be easily obtained by judicious management when the Convention for the Khanakeen and Bushire line is ratified by Her Majesty's Government. Further, I may state that when the ratification takes place, there will be no difficulty about the line being extended from Shiraz or Bushire to Bunder Abbas. I had a distinct assurance from the Itizad-oo-Sultaneh, the Minister of Public Works, that the Shah would undertake that extension.

I believe, therefore, that I am able, before leaving Tehran, to report that I have arranged the whole question of the telegraph, and that the only thing wanting is the approval of Her Majesty's Government.

I have, &c.

(Signed) EDWARD B. EASTWICK.

No. 33.

Mr. Baring to Mr. Hammond.—(Received April 1.)

Sir,

India Office, April 1, 1863.

I AM directed to state for the information of Earl Russell that in a conversation which Sir Charles Wood had on the 24th instant with the Persian Minister on the subject

of the proposed line of telegraph from Khanakeen to Bushire, his Excellency explained, that so far as he knew, when the recent Convention regarding that line was prepared at Tehran, the Shah was under the impression that no other connecting line would be made between Bagdad and Bushire, and that the Persian line would consequently obtain the whole of the Anglo-Indian messages passing between those places.

His Excellency then pointed out that his Government might justly blame him if being now aware of the proposed construction of a competing line through Mesopotamia, he did not endeavour to effect an arrangement as to the division of the messages between the two lines, before committing his Government to expenditure by concurring in the immediate purchase of materials for the Persian line. It was explained to him that any delay in despatching materials to be sent by a long sea voyage to the Persian Gulf was much to be deprecated, and that although it was impossible to discuss simultaneously here and at Tehran the terms of the Convention, Sir Charles Wood would not object to give an official assurance that Her Majesty's Minister at Tehran should be instructed to discuss with the Shah's Government the question raised by his Excellency, and to come to an equitable arrangement concerning it. His Excellency finally consented to give his formal assent to the immediate purchase of materials, on receiving the written assurance, copy of which is inclosed herewith.

Sir Charles Wood thinks it desirable that what has taken place so far, should be brought immediately to Earl Russell's knowledge. His Lordship shall be made acquainted by a separate communication with the particulars of the arrangement which should, in Sir Charles Wood's opinion, be proposed to the Persian Government.

Sir Charles Wood would suggest for Earl Russell's consideration, that it might be advisable that the Turkish Government should immediately be made aware of the intention to divide, in some way, messages passing from Bagdad to Bushire, or *vice versa*, between the line which will run from Bagdad by Bussorah to Bushire, and that which will run from Bagdad to the Persian frontier, near Khanakeen, and thence through Persia to Bushire.

The Turkish portion will be shorter in the latter line than in the former, but the difference is a very insignificant part of the whole line through the Turkish territory. The Turkish Government will no doubt readily perceive the advantage which their main line to Bagdad will derive from having an alternative line through Persia to Bushire, in the event of any interruption to the line from Bagdad to Bussorah.

I am, &c.

(Signed) T. G. BARING.

Inclosure in No. 33.

Memorandum.

WHEN the Persian Government shall have constructed a line of telegraph from the Turkish frontier near Khanakeen by Tehran to Bushire, and when the Turkish and English Governments shall have constructed a short connecting line from Bagdad to Khanakeen, and also a line from Bagdad to Bussorah, and thence to Bushire, there will be two alternative lines between Bagdad and Bushire.

Her Majesty's Minister at Tehran will be instructed to discuss and arrange with the Persian Government, on equitable terms, the distribution between the two lines of the telegraphic messages passing between England and India.

(Signed) C. WOOD.

No. 34.

Earl Russell to Sir H. Bulwer.

Sir, Foreign Office, April 2, 1863.
I TRANSMIT, for your Excellency's information, a copy of a letter from the India Board,* stating what has passed between the Secretary of State for India and the Persian Minister, respecting the proposed line of telegraph between Khanakeen and Bushire, and I have to instruct your Excellency to communicate to the Porte the intention to divide in some way messages passing from Bagdad to Bushire, or *vice versa*, between the line

which will run from Bagdad by Bussorah to Bushire, and that which will run from Bagdad to the Persian frontier, near Khanakeen, and from thence through Persia to Bushire.

I am, &c.
(Signed) RUSSELL.

No. 35.

Mr. Thomson to Earl Russell.—(Received April 25.)

My Lord,

Tehran, March 10, 1863.

I HAVE the honour to inform your Lordship that during the last few days I have had interviews with the Ameen-ed-Dowleh and Meerza Saeed Khan, on the subject of your Lordship's telegram of the 11th of February, and that this afternoon, by the Shah's desire, I met the Minister for Foreign Affairs, and the Prince Itizad-u-Sultaneh, when it was settled that His Royal Highness should at once despatch agents to procure timber posts in the different districts through which the telegraph is to pass, and to distribute them along the line in the villages which are nearest to the regular road.

The number and dimensions of the posts to be thus provided are, for each mile 20 posts 19 feet in length, and 5 inches in diameter at the top, and 2 posts 21 feet long, and 10 inches in diameter at the top, the whole distance being calculated at 1,092 miles.

The above figures will be found to be in accordance with the estimates prepared by Lieutenant-Colonel Stewart when in this country.

I have, &c.
(Signed) R. F. THOMSON.

No. 36.

Mr. Baring to Mr. Hammond.—(Received April 29.)

Sir,

India Office, April 28, 1863.

IN my letter of the 1st instant, it was stated that Sir Charles Wood would, in a separate communication, acquaint Earl Russell with the particulars of the arrangement which should, in his opinion, be proposed to the Turkish and Persian Governments, for the distribution between the two lines of telegraph about to be established from Bagdad to Bushire, of the telegraphic messages passing between England and India.

I am accordingly now directed to make the following observations:—

The Indian Government has undertaken to advance the purchase-money of the materials provided from this country for the line through Persia. If a double wire be formed, the money so advanced will probably amount to 20,000*l.*, which, by the terms of the late Convention, will have to be repaid by the Persian Government in five annual instalments. Merely to insure punctual payment of these instalments, it would be advisable for the Indian Government to use the Persian line to at least such an extent as that the net receipts from Anglo-Indian messages during the first five years should annually amount to one-fifth of the sum advanced; but it is obviously desirable on other accounts that much more than this should be done, and that the use of the Persian line by the Indian Government should be such as to furnish a large annual surplus, the payment of which to the Shah's Government for its own benefit would afford to it the best possible inducement to protect the line, and to maintain and work it efficiently. With this view, as well as with that of equally interesting the Turkish Government in the due protection and maintenance of their alternative line from Bagdad to Bussorah, Sir Charles Wood considers that the most convenient arrangement would be that of an equal division of Anglo-Indian messages between the two lines, all messages from India being despatched through Persia, and all messages to India proceeding by the Turkish line from Bagdad to Bussorah. Such an arrangement cannot, however, be efficiently carried out, unless the Persian, as well as the Turkish line be provided with two wires, one of which shall be employed exclusively for the through traffic; and any agreement to the effect indicated above, entered into with the Persian Government, should be made conditional on the adoption of a double wire.

Sir Charles Wood would therefore recommend, if Earl Russell sees no objection, that

Her Majesty's Minister at Tehran be authorised to make some such proposal as the following:—

Provided the Persian line of telegraph, with a single wire, from Khanakeen to Bushire, be constructed, protected, and worked in an efficient manner, and to the satisfaction of the English officers superintending it, the English Government agrees to despatch by the Persian line one-fourth part of all the through traffic *vid* Bagdad, between Europe and India; and in like manner, if a second wire be added, and made available exclusively for the transmission of through traffic, to despatch one half of the same traffic by the Persian line.

The above agreement might be made binding for a period not exceeding ten years, at the close of which its terms would be open to revision.

I am further directed to suggest that the necessary communications on the subject should be made simultaneously to the Turkish Government.

I am, &c.

(Signed) T. G. BARING.

No. 37.

Earl Russell to Mr. Thomson.

Sir,

Foreign Office, May 6, 1863.

I TRANSMIT, for your information and guidance, copies of two letters from the India Board on the subject of telegraphic communication with India.*

You will learn from these letters the particulars of the arrangement which should, in the opinion of the Secretary of State for India, be proposed to the Turkish and Persian Governments, for the distribution between the two lines of telegraph about to be established from Bagdad to Bushire, of the telegraphic messages passing between England and India, and also what has passed between Sir Charles Wood and the Persian Minister on this subject.

I have now to instruct you to state to the Persian Government, that if the Persian line of telegraph, with a single wire, from Khanakeen to Bushire, is constructed, protected, and worked in an efficient manner, and to the satisfaction of the English officers superintending it, the English Government agrees to despatch by that line one-fourth part of all the through traffic *vid* Bagdad, between Europe and India; and in like manner, if a second wire be added, and made available exclusively for the transmission of through traffic, to despatch one half of the same traffic by the Persian line. In the event of the Persian Government agreeing to these terms, you are hereby authorized to make an agreement with them for a period not exceeding ten years.

I am, &c.

(Signed) RUSSELL.

No. 38.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, May 6, 1863.

WITH reference to my despatch of the 2nd ultimo, I transmit for your information a copy of a further letter from the India Board,† stating the particulars of the arrangement which should, in the opinion of the Secretary of State for India, be proposed to the Turkish and Persian Governments, with reference to the distribution between the two lines of telegraph about to be established from Bagdad to Bushire, of the telegraphic messages passing between England and India.

I also inclose a copy of a despatch which I have addressed to Her Majesty's Chargé d'Affaires in Persia upon this subject,‡ and I have to instruct your Excellency to make the necessary communications to the Porte, with the view of carrying out the arrangement set forth in the India Board's letter.

I am, &c.

(Signed) RUSSELL.

* Nos. 33 and 36.

† No. 36.

‡ No. 37.

No. 39.

Mr. Thomson to Earl Russell.—(Received May 24.)

My Lord.

Tehran, April 12, 1863.

I HAVE the honour to inform your Lordship that I this day received a message from the Persian Minister for Foreign Affairs, through one of his secretaries, to say that a report had reached him from the Governor of Kerman, to the effect that English officers were engaged in making preparations to carry a line of telegraph from the Beloochistan frontier by land to Bunder Abbas, and thence on to Bushire, and that, if there was any truth in this statement, he begged that I would take steps to suspend the operations until the matter had been discussed, and an arrangement entered into on the subject at Tehran, as such a line had not been provided for in the Convention lately agreed to by the Persian Government.

I replied that I had no knowledge of the circumstance to which he alluded; that I was informed that the telegraph from Bushire would be taken down the Persian Gulf by means of a submarine cable, which was now being manufactured in England; and that I was not aware that there was any intention of landing the wire at any point in the Persian territory excepting at the two above ports of Bushire and Bunder Abbas.

I have, &c.

(Signed) R. F. THOMSON.

No. 40.

Mr. Thomson to Earl Russell.—(Received May 24.)

My Lord,

Tehran, April 13, 1863.

I HAVE the honour to inclose translation of a firman which has been addressed by His Majesty the Shah to the Governors through whose districts the Persian telegraph is to pass, instructing them to prepare the posts required for the line, and to have them in readiness at an early date. This firman has been forwarded through two of the Shah's private attendants, Hajee Feramerz Beg and Hajee Einez Beg, the former having proceeded to Ispahan and Shiraz, and the latter to Hamadan and Kermanshah.

I have, &c.

(Signed) R. F. THOMSON.

Inclosure in No. 40.

*Firman to the Governors of the Provinces through which the Persian Telegraph is to pass.**

(Translation.)

THE construction of a telegraph being an undertaking of the utmost importance, which, when completed, cannot fail to be of the greatest utility in facilitating business, both Government and private, throughout the Persian dominions, and in promoting the interests of commerce and the welfare of our subjects, it has been determined by a Convention between the Persian Government and the Agents of Her Britannic Majesty to establish a telegraphic line of communication between Khanakeen and Tehran, and from the Capital to Bushire, which is to be connected with the Bagdad line, and is to be extended by a cable from Bushire to India, to be laid down by the English Government. Of the materials necessary for this work, next to the wires, &c., which have been purchased in Europe, the most important are the timber posts required for stretching the wires, and these are of two kinds, the ordinary post and the straining post. They must, therefore, be procured, and distributed along the road and at the different stations at once; so that, please God, by the end of the present year the line may be completed and in working order. We therefore now command that, on the receipt of this firman, you will issue stringent orders to the necessary parties in your province that for every fursukh (four miles) along the road, ninety ordinary posts and eighteen straining posts, according to the following dimensions, are to be prepared and held in readiness within the space of one month:—

* Transmitted to the Mission on April 8, 1863.

Ordinary posts—Ninety in number, strong, good, and quite straight, 6 Persian yards long and 5 inches in diameter at the top.

Straining posts—Eighteen in number, from $7\frac{1}{2}$ to 8 yards long, and twice the above diameter.

The receipts for the above are to be made over to the Prince Itizad-oo-Sultaneh, the Minister for Public Works, through Hajee Einez Beg, one of our private attendants, who will superintend these arrangements. You will take care to have our instructions in this respect carried out attentively, so that the posts may be ready to be handed over within the period specified above, and on no account are you to suppose yourself exempt from or irresponsible for the fulfilment of this command.

No. 41.

Mr. Thomson to Earl Russell.—(Received June 20.)

My Lord,

Tehran, May 12, 1863.

I HAVE the honour to inform your Lordship that his Excellency the Ameen-ed-Dowleh some days ago requested that I would suggest to Her Majesty's Government that either Captain Champain, or one of the officers who are to be employed in Persia in laying down the telegraphic wires, should be instructed to proceed to Tehran with as little delay as possible, as, in the opinion of the Persian Ministers, it is desirable that some experienced officer should be on the spot in order that they may have the advantage of his practical knowledge and advice in carrying out the preliminary measures for the construction of the Persian line of telegraph.

I have, &c.
(Signed) R. F. THOMSON.

No. 42.

Mr. Baring to Mr. Hammond.—(Received July 3.)

Sir,

India Office, July 3, 1863.

WITH reference to the despatch of the 12th of May from Mr. Thomson, Chargé d'Affaires at Tehran, to Earl Russell, I am directed by Sir Charles Wood to state for his Lordship's information that he concurs in opinion with the Government of the Shah that it is desirable that either Captain Champain, or some other officer to be employed in laying down the telegraphic wires in Persia, should be instructed to proceed to Tehran with as little delay as possible. If Lord Russell sees no objection to the arrangement, Sir Charles Wood will at once select an officer to proceed as expeditiously as possible to Tehran on the telegraphic service.

I have, &c.
(Signed) T. G. BARING.

No. 43.

Mr. Thomson to Earl Russell.—(Received July 4.)

My Lord,

Tehran, May 29, 1863.

WITH reference to your Lordship's despatch of the 18th of October, 1862, I have the honour to transmit herewith copy of a despatch addressed by me to the Resident in the Persian Gulf, inclosing a translation of a letter from Meerza Saeed Khan to the Governor of Bushire, from which your Lordship will perceive that instructions have been given by the Persian Minister for the construction of a telegraph station at Bushire, which is to be made over to the British Government at an annual rent, for the exclusive use of their employés on the Indian line of telegraph.

I have, &c.
(Signed) R. F. THOMSON.

Inclosure 1 in No. 43.

Mr. Thomson to Colonel Pelly.

Sir,

Tehran, May 26, 1863.

COLONEL KEMBALL having forwarded to me an extract from the Report drawn out by the Engineer Officer recently sent to survey the coast of the Persian Gulf, from which it appears that Resheer had been selected as the spot for landing the cable in the vicinity of Bushire, I have applied to the Persian Government for their permission to establish a telegraph station at that place.

I now beg to inclose copy of an order transmitted by the Persian Minister for Foreign Affairs to the Governor of Bushire, directing him, after consulting with you, and ascertaining the exact point at which the cable is to be landed, to cause a building to be erected as a station for the exclusive use of the English telegraph employes, for which a moderate amount of rent will be received by the Persian authorities.

I have no information as to the amount of accommodation required at this station; but, in order to save time, and to admit of the building being commenced at once, should it be thought advisable to have it ready before the cable is landed, it has been arranged that, in the meantime, a building, containing only a few rooms, should be erected; and, on my being made acquainted with the amount of further accommodation required, I shall take steps to obtain from the Persian Government their sanction to having such additions as may be necessary to be made.

I have, &c.

(Signed) R. F. THOMSON.

Inclosure 2 in No. 43.

The Persian Minister for Foreign Affairs to the Governor of Bushire.

(Translation.)

May 18, 1863.

AS you already know, by desire of His Majesty the Shah, the Persian Government are about to construct a telegraph from the frontier of Kermanshah to Bushire, and the English Government, as they may feel disposed, are at liberty to join their telegraphic wires, which are to be brought by a submarine line, to the Persian wires. It is therefore necessary that they should have a telegraph station on the coast, and His Majesty has ordered that a station should be erected for this purpose at Resheer, under the directions of the Prince Itizad-oo-Sultaneh, which is to be given to the British Government for an annual rent. The Prince has written the instructions necessary, and they are now sent to you. In the meantime, as the English cable may shortly reach Bushire, and on its arrival they may require a place at once in which to keep their stores and materials before the regular station is completed, you will now at once, after communicating with the Resident, and ascertaining the exact spot where the cable will be landed, proceed to erect a building according to the accompanying plan given by the Prince, in a suitable position, and get it in readiness, so that they may not suffer inconvenience. You will then forward an estimate of the expenses of completing the building, and when you receive orders on the subject, you will have it finished by building the additional portion.

His Majesty has further commanded that the station also required for the employes on the Persian line of telegraph from Bushire to Khanakeen, is to be built alongside of the station constructed for the English telegraph to India, so that, for the better working of the lines, the two stations are not to be apart and distant from each other.

No. 44.

Mr. Thomson to Earl Russell.—(Received July 4.)

My Lord,

Tehran, June 5, 1863,

I HAVE delayed till now replying to your Lordship's despatch of the 26th of February, in the hope that the Persian Government might be induced to adopt the entire suggestions offered in that communication. The Persian Ministers express themselves fully satisfied with the preliminary arrangements which Colonel Stewart proposes that they should make for the construction of the Persian telegraph, and they are now

engaged in preparing the materials required, and in having them distributed along the line, for which purpose they have dispatched agents to the different provinces through which the telegraph is to pass. But with regard to the period during which the line is to be entrusted to the superintendence of English officers, I find that the views of the Persian Ministers do not coincide with those of Her Majesty's Government. It is proposed in your Lordship's despatch that five years should be fixed for this superintendence; but though the Persian Government state that they desire to retain the services of the English agents until such time as the line is in a perfectly efficient state, and until it is found to work to the satisfaction of the British Government, they are not disposed to engage formally that the Persian telegraph should be under the control of English employés for a longer space of time than one year.

As your Lordship's despatch of the 6th of May, however, which I have just received, authorizes me to make an agreement with the Persian Government, fixing the amount of messages to be transmitted by their line, on condition that it is constructed, protected, and worked in an efficient manner, and to the satisfaction of the English officers superintending it, I trust that they may now be induced to set aside their present determination on this point, as they cannot fail to perceive that, unless the line is under the control of English officers, it can never be worked with that efficiency which will render it profitable by securing to Persia a full share of the messages transmitted.

With respect to the remaining question of the amount to be charged on such messages, the Persian Government is about to send instructions to Mahmood Khan, authorizing him to enter into any arrangement in London which he may consider fair and reasonable.

I have, &c.
(Signed) R. F. THOMSON.

No. 45.

Mr. Hammond to Mr. Merivale.

Sir, *Foreign Office, July 6, 1863.*
IN reply to your letter of the 3rd instant, I am directed to request you will inform Sir Charles Wood that Earl Russell concurs in his opinion that it is desirable that Captain Champain, or some other officer, should at once proceed to Tehran to assist the Persian authorities in carrying out the preliminary measures for the construction of the Persian line of telegraph.

I am, &c.
(Signed) E. HAMMOND.

No. 46.

Sir H. Bulwer to Earl Russell.—(Received July 18.)

My Lord, *Constantinople, July 9, 1863.*
I HAVE the honour to transmit herewith, for your Lordship's information, copy of an official note which I have received from the Porte, in reply to my communication of your Lordship's instructions relative to the division of messages by the Bagdad telegraph. Your Lordship will perceive that the Porte feels some disappointment at the arrangement proposed to be adopted. I have not myself expressed any opinion on the subject, but merely stated I would transmit the Porte's note to your Lordship.

I have, &c.
(Signed) H. L. BULWER.

Inclosure in No. 46.

Aali Pasha to Sir H. Bulwer.

M. l'Ambassadeur, *Sublime Porte, le 7 Juillet, 1863.*
J'AI reçu et transmis à l'Administration Générale des Télégraphes la note que vous m'avez fait l'honneur de m'adresser en date du 11 Avril, pour m'informer que le Gouvernement de Sa Majesté Britannique est dans l'intention de se servir égale-

ment des deux lignes télégraphiques de Bagdad à Bunder-Bushir par Bussorah, et de celle qui sera établie entre Bagdad et Bunder-Bushir en passant la frontière Persane près de Khanakeen.

Nous reconnaissons également l'utilité de l'établissement de cette seconde ligne qui ne peut que rendre plus sure la communication électrique entre Bunder-Bushir et Bagdad; mais d'après nous on aurait pu mieux choisir la direction qu'on veut lui donner. Une ligne passant par Khanakeen, Zenkiabad, et Carabata, et aboutissant à Kerkiah, présenterait d'autant plus d'avantages qu'elle offrirait plus de facilités soit pour sa pose, parce qu'elle ne rencontrerait pas de grands courants d'eau, soit pour les défenses de construction pour la raison que son parcours serait beaucoup moins long. Après ces considérations électriques une autre plus importante n'a pu nous échapper. Le Gouvernement Impérial ne devant établir et entretenir la ligne de Bagdad à Bussorah que pour unir les Indes Orientales au réseau télégraphique de l'Europe, il nous semble qu'il serait juste que les dépêches Anglaises ne fussent transmises par la ligne Persane qu'en cas d'interruption sur la ligne Ottomane.

En conséquence je vous prie, M. l'Ambassadeur, d'entretenir le Gouvernement de Sa Majesté Britannique et de provoquer de sa part un engagement dans ce sens dans le cas où votre Excellence se rangerait à mon avis.

Veuillez, &c.
(Signé) AALI.

(Translation.)

M. l'Ambassadeur.

Sublime Porte, July 7, 1863.

I HAVE received and transmitted to the General Administration of Telegraphs the note which you did me the honour to address to me, dated the 11th of April, to inform me that the Government of Her Britannic Majesty intends to use equally the two telegraphic lines from Bagdad to Bunder Bushir by Bussorah, and the one which will be established between Bagdad and Bunder Bushir, crossing the Persian frontier near Khanakeen.

We recognise equally the utility of the establishment of this second line, which cannot fail to render the electrical communication between Bunder Bushir and Bagdad more sure; but, in our opinion, the direction which it is intended to give it might have been better chosen. A line passing by Khanakeen, Zenkiabad, and Carabata, and joining at Kerkiah, would offer as many advantages as it would offer facilities either for laying it down, because it would not encounter strong currents of water, or for the expenses of its construction, from the fact that its length would be much less. After these considerations another more important one has not escaped our observation. As the Imperial Government must establish and maintain the line from Bagdad to Bussorah only to unite the East Indies to the telegraphic network of Europe, it seems to us that it would be just that the English despatches should be only transmitted by the Persian line in the event of interruption of communication on the Ottoman line.

I beg you, therefore, M. l'Ambassadeur, to communicate with Her Britannic Majesty's Government, and to propose an engagement in this sense on their part, should your Excellency be of my opinion.

Receive, &c.,
(Signed) AALI.

No. 47.

Mr. Layard to Mr. Merivale.

Sir,

Foreign Office, July 20, 1863.

I AM directed by Earl Russell to transmit to you, for the information of Secretary Sir C. Wood, the accompanying copy of a despatch from Her Majesty's Ambassador at Constantinople,* inclosing a copy of the reply of the Turkish Government to the communication which he was instructed to make, in accordance with your letter of the 28th of April, with regard to the division of messages to be sent by the Bagdad telegraph.

I have, &c.
(Signed) A. H. LAYARD.

* No. 46.

No. 48.

Mr. Thomson to Earl Russell.—(Received August 1.)

My Lord,

Tehran, July 4, 1863.

THE difficulty of transacting business here during the first days of Moharrem, and the subsequent departure of the Shah on a hunting excursion in the neighbouring hills, have occasioned some delay in my obtaining a distinct reply to the proposal which I was directed by your Lordship's despatch of the 6th of May to make to the Persian Government respecting the distribution of messages between the two telegraphic lines from Bagdad to Bushire.

Although the Minister for Foreign Affairs and the Ameen-ed-Dowleh, to whom I was also referred on the subject, both expressed themselves strongly in favour of adding a second wire at once to the telegraph about to be constructed from Khanakeen to Bushire, I have since been given to understand by Meerza Saeed Khan that the Shah was, for the present, not disposed to give his sanction to the additional expense which would be thereby incurred. His Majesty was of opinion that the line should be constructed, as originally proposed, with only one wire, and that they should only engage to add a second when they had ascertained clearly how far it was absolutely necessary, and what the profits were which they were likely to derive from the Persian telegraph. His Excellency said that it was against his advice entirely that the Shah had adopted this view, and that he would again represent to His Majesty the advantages which both he and the Ameen-ed-Dowleh considered that the Persian Government would obtain by providing a double wire by means of which the Persian telegraph might be worked with perfect efficiency from the outset. His Majesty's reply has not yet been received at Tehran; but, as great uncertainty seems to exist in the minds of many of those about the Court, whose advice is frequently adopted in such matters, as to the success which is likely to attend the establishment of this telegraph, it is probable that no change will take place in His Majesty's views, and that he will not be induced to embark in any further outlay for the present than that which they have already consented to in the Convention with Her Majesty's Government.

With respect to the division of messages between the Turkish and Persian lines of telegraph from Bagdad to Bushire, the Shah's Ministers do not appear to share the apprehensions felt by the Persian Envoy in London with regard to the competing line which is now in course of construction by way of Bussorah. They have hitherto regarded the establishment of that line with apparent indifference, and as yet they have not shown any inclination to enter into the arrangement proposed by Sir Charles Wood, which would secure to them a certain share of the telegraphic messages transmitted to and from India.

I have, &c.

(Signed) R. F. THOMSON.

No. 49.

Mr. Melvill to Mr. Hammond.—(Received August 8.)

Sir,

India Office, August 7, 1863.

I AM directed by Sir Charles Wood to state, for the information of Secretary Earl Russell, that for the purposes of the arrangements in progress for the establishment of telegraphic communication with India, through Turkey, Persia, and the Persian Gulf, some considerable disbursements will have to be made in Persia, in effecting which Sir Charles Wood would, with Earl Russell's permission, wish to avail himself of the agency of Her Majesty's Minister at Tehran. The disbursements for current and miscellaneous expenditure will amount to about 6,000*l.*, and I am to request that Mr. Alison may be apprized that he is empowered, up to the limit, and for the purposes indicated above, to draw bills on the Government Treasury at Bombay or Calcutta, as may be found most advisable, the local Governments having been requested to honour his drafts accordingly.

I have, &c.

(Signed) J. COSMO MELVILL.

No. 50.

Mr. Hammond to Mr. Melvill.—(Received August 11.)

Sir,

Foreign Office, August 11, 1863.

IN reply to your letter of the 7th instant, I am directed by Earl Russell to state to you for the information of Secretary Sir Charles Wood, that his Lordship will instruct Her Majesty's Minister at Tehran to make disbursements on account of the India Office, in connection with the telegraph through Persia; and I am to suggest that you should move Sir Charles Wood to forward to this office for transmission to Mr. Alison a Memorandum containing instructions for his guidance in this matter.

I am to add that the next opportunities for sending despatches to Persia will be on Thursday the 13th, and Thursday the 27th, of this month.

I have, &c.

(Signed) E. HAMMOND.

No. 51.

Sir H. Bulwer to Earl Russell.—(Received August 12.)

My Lord,

Constantinople, July 31, 1863.

WITH reference to your Lordship's despatch of the 6th of May last, relative to the division of messages by the Bagdad telegraph, I have the honour to forward a copy of the Porte's reply, which reached me only this day.

I have, &c.

(Signed) H. L. BULWER.

Inclosure in No. 51.

Aali Pasha to Sir H. Bulwer.

M. l'Ambassadeur,

Ministère des Affaires Etrangères, le 31 Juillet, 1863.

J'E suis aujourd'hui en mesure de répondre à la note que votre Excellence m'a fait l'honneur de m'adresser en date du 21 Mai relativement à l'intention du Gouvernement de Sa Majesté Britannique de partager la transmission des dépêches pour les Indes Orientales entre les deux lignes télégraphiques de Bagdad à Bussorah, et de Khanakeen à Bunder Bushire en Perse.

Votre Excellence sait que le Gouvernement Impérial ne doit établir et entretenir la ligne de Bagdad à Bussora que dans l'unique désir de rendre un service au Gouvernement Britannique en réunissant les Indes Orientales au réseau télégraphique de l'Europe. Si la ligne Persane doit être appelée à jouir à part égale avec la ligne Ottomane des revenus de cette ligne, qui consisteront principalement de la transmission des dépêches Anglo-Indiennes, la ligne de Bagdad à Bussorah devient complètement superflue, et onéreuse même, en considération des sommes considérables qui seront dépensées pour son établissement et son entretien.

A notre avis il serait mieux de renoncer à la ligne de Bussorah à Bagdad et se borner à celle de Khanakeen à Bunder Bushir. Cette ligne reliée directement avec le cable de Bussora jouirait dans ce cas de tous les revenus intégralement, et ferait aussi éviter les dépenses pour les fournitures de matériel télégraphique que le Gouvernement Indien devra faire à notre administration.

Veuillez, &c.

(Signé) AALI.

(Translation.)

M. l'Ambassadeur,

Ministry of Foreign Affairs, July 31, 1863.

I AM enabled to-day to reply to the note which your Excellency did me the honour to address to me on the 21st of May, relative to the intention of Her Britannic Majesty's Government to divide the transmission of despatches for the East Indies between the two telegraphic lines from Bagdad to Bussorah and from Khanakeen to Bunder Bushire in Persia.

Your Excellency knows that the Imperial Government is going to establish and maintain the line from Bagdad to Bussorah solely with the desire of rendering service to the British Government by joining the East Indies to the telegraphic network of Europe. If the Persian line is to be allowed to share equally the revenues of the Ottoman line, which will consist principally of the transmission of Anglo-Indian despatches, the line from Bagdad to Bussorah becomes perfectly superfluous and even burthensome, on account of the considerable sums which will be expended on its construction and maintenance.

In our opinion it would be better to give up the line from Bussorah to Bagdad and to confine ourselves to the line from Khanakeen to Bunder Bushire. That line, directly connected with the cable of Bussorah, would profit in that case by all the revenues integrally, and would also cause the expenses to be avoided on account of fittings and telegraphic material which the Indian Government will have to impose on our administration.

Receive, &c.
(Signed) AALI.

No. 52.

Mr. Melvill to Mr. Hammond.—(Received August 13.)

Sir,

India Office, August 12, 1863.

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter of the 11th instant, and in reply to forward a Memorandum by Lieutenant-Colonel Stewart, in which is embodied all the information required at Tehran regarding the measures which have been, or are about to be, taken in connection with the establishment of the telegraph between Khanakeen and Bushire, and to request that Earl Russell will be pleased to cause a copy thereof to be forwarded to Her Majesty's Minister in Persia.

I have, &c.
(Signed) J. COSMO MELVILL.

Inclosure in No. 52.

Memorandum relating to the Persian Telegraph, detailing the steps which have been taken in connection with the despatch of Stores, &c., up to date.

August 7, 1863.

THE distances have been calculated as follows, and in practice will be found sufficiently accurate.

From Khanakeen to Kermanshah	..	..	..	123 miles.
„ Kermanshah to Hamadan	..	..	..	96 „
„ Hamadan to Tehran	..	..	..	186 „
„ Tehran to Koom	..	..	..	90 „
„ Koom to Kashan	..	..	..	61 „
„ Kashan to Ispahan	..	..	..	109 „
„ Ispahan to Koomshah	..	..	..	48 „
„ Koomshah to Mooighaut	..	..	..	152 „
„ Mooighaut to Shiraz	..	..	..	70 „
„ Shiraz to Kazeroon	..	..	..	67 „
„ Kazeroon to Bushire	..	..	..	100 „
Total	..	..	..	1,102 miles.

To allow for contingencies, materials for a single wire line, 1,200 miles long, have been, or are about to be, sent out. Cost and detail are given below. The wire will be supported on single insulators on wooden posts, the number of which should be twenty-one ordinary and three stretching; total, twenty-four posts per mile. On the straight and open parts of the line twenty-one or twenty-two will suffice, while on the other hand it may prove necessary among the more difficult passes (such as those in the neighbourhood of Kazeroon or Khanakeen) to increase the number to thirty posts per mile.

TABLE showing the Number and Detail of Stores sent out.

Amount.	Description of Stores.	Cost in England.	Remarks.
		£ s.	
350 tons	Wire No. 5. B.W.G.	6,212 10	Packed in 900 boxes.
9 "	Steel Wire	243 0	
25,200	Ordinary single Insulators	2,205 0	
3,600	Stretching ditto	690 0	
900	Packing Cases for Insulators	285 5	
6 sets	Tools complete in boxes	480 0	
28,800	Bands for Galvanized Iron	120 0	
1,600	Stays for Angle Posts	268 5	
12 sets	Field Signalling Instruments	180 0	
	Total Cost in England	10,680 0	

The greater part of these stores will be landed at Bushire, and thence transported on mules along the line towards Tehran; but a proportion enough for 322 miles, will be sent on to Bussora, and thence up the river to Bagdad.

The following Table shows the stores despatched up to date for the Persian lines, the whole allowance being for 1,200 miles, of which 878 will be supplied for Bushire, and 322 for Bussora.

Total to be sent.		Description of Stores.	Already Sent in					
			"Athene."		"Khimjee."		"Jumna."	
Bushire.	Bussora.		Bushire.	Bussora.	Bushire.	Bussora.	Bushire.	Bussora.
240	104	350 tons Wire	..	104	246	..	..	..
6	3	9 tons steel ditto	..	..	6	3	..	..
658	242	900 boxes Insulators	..	..	100	234	116	..
20,800	8,000	28,800 Bands of Iron	..	..	8,960	..	..	7,040
1,200	400	1,600 Stays complete	..	..	..	..	..	..
8	4	12 Field Instruments	..	..	..	..	..	..
3	3	6 Sets of Tools complete	..	..	3	..	..	3

The insulators are packed in boxes, each containing twenty-eight ordinary and four stretching insulators, so that three boxes contain enough for four miles, or one farsakh of line. The boxes weigh 174 lbs. each, two thus forming a load for one mule.

The "Athene" will probably reach Bussora about the beginning of October, she having left Liverpool on the 30th May.

The "Khimjee Oodoopee," a quick vessel, sailed on the 30th June, and may be expected at Bushire about the middle of October.

The "Jumna," also a very fast ship, left London on the 15th July, and will probably reach Bushire before the end of October.

The rest of the stores will be dispatched as soon as possible, but it is likely that some delay may occur in completing the full number of insulators.

Messrs. Man and Walton will leave England (with one of the inspectors appointed to the line) on the 8th instant, and will be able to give every information and assistance that may be necessary until the arrival of Lieutenant Champain. The latter officer will almost immediately after reaching Tehran proceed to Bushire in time to meet the first of the vessels with stores for that port, and to arrange, in concert with Colonel Pelly and the Persian authorities, the means of transport and distribution.

Two engineer officers have been applied for from India to assist in the work, and a third will leave England, *via* the overland route for Bombay, about the end of August,

with ten non-commissioned officers and men of the Royal Engineers trained to the work, and conversant with the practical duties that will be required of them.

The whole line from Khanakeen to Bushire will therefore be divided into five divisions, each division having its one officer or superintendent, one inspector, and two assistant-inspectors of the Royal Engineer detachment, while the direction of the whole staff will be in the hands of Lieutenant Champain, who will fix his head-quarters at Tehran.

The following Table shows approximately what the monthly pay of the staff will be, and the additional expenditure which will thus devolve upon the British Mission has already been provided for.

No.	Rank.	Staff Pay for Military, or Consolidated Pay for Civil Officers.	Pay and Allowance for Military.	Total.
		Rupees per mensem.	Rupees per mensem.	Rupees per mensem.
1	Director.			
1	Superintendent.			
1	Engineer Officer	500	265 12	765 12
1	Do.	350	265 12	615 12
1	Do.	200	265 12	465 12
1	Civil Officer	660	..	600 00
1	Do.	450	..	450 00
1	"			
2	Inspectors	250	..	500 00
	Do	200	..	600 00
10	Assistant Inspector	Appointed Pay		
	Non-commissioned Officers of Royal Engineers	Military and civil for 10.	..	1,550 00
Approximate Total, omitting Pay of the Director (not yet decided), and Travelling Allowance }				5,550 00

This sum will be in addition to the actual amount expended in travelling and to Lieutenant Champain's pay, the amount of which has not yet been fixed.

The total monthly expenditure on account of telegraph superintendence, military pay of officers and soldiers employed, and contingencies, will possibly reach in round numbers the sum of 7,500 rupees, and such expenditure will probably commence from the 1st October, 1863.

Lieutenant-Colonel Pelly, Her Majesty's Resident at Bushire, has already been informed that the approximate weight of stores to be forwarded along the line from Bushire will be as follows:—

	Wire.	Insulators.	Total.
	Tons.	Tons.	Tons.
To Tehran	17	4½	21½
Koom	17	4½	21½
Kasham	15	4	19
Ispahan	50	14	64
Koomishah	15	4	19
Shiraz	70	19	89
Kazeroon	25	7	32
Total tons	209	57	266

The remainder of the stores shipped for Bushire will be retained at that port.

Information has also been sent to Colonel Kemball at Bagdad, to the effect that the weight of stores for which carriage will be required at the cost of the British Government, as far as the Persian frontier of Khanakeen, will be as follows:—

Wire	104 tons.
Insulators and Stores	28 "
Total	132 "

The cost of transport within the Persian territory will of course be defrayed by the Persian Government, and the details of distribution will be arranged in concert with the officer in charge of each section of the line.

(Signed) P. STEWART.

No. 53.

Mr. Layard to Mr. Merivale.

Sir,

Foreign Office, August 13, 1863.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 12th instant, inclosing a Memorandum for the use of Her Majesty's Minister at Tehran, on the line of telegraph through Persia now in course of construction; and I am to state to you, for the information of Secretary Sir Charles Wood, that Lord Russell has forwarded the Memorandum to Mr. Alison, and will instruct him to make disbursements on account of the India Office, in connection with the telegraph, but that before giving these instructions his Lordship must request to be furnished with definite directions for Mr. Alison's guidance in making disbursements, no directions on the subject being contained in your above-mentioned letter.

I have, &c.
(Signed) A. H. LAYARD.

No. 54.

Mr. Melvill to Mr. Layard.—(Received August 14.)

Sir,

India Office, August 13, 1863.

I AM directed by Sir Charles Wood to acknowledge the receipt of your letter of the 20th ultimo, with its inclosures, from Sir H. Bulwer and Ali Pasha, relative to the proposed division of messages by the Bagdad telegraph.

This question originated in the manner explained in Mr. Baring's letter of the 1st April last, in consequence of the Persian Minister refusing to give his approval to the purchase of stores, as stipulated for in Article 6 of the proposed Convention. Sir Charles Wood accordingly gave the written assurance that Her Majesty's Minister at Tehran would be authorized to deal with the question if raised there; and he communicated through the Foreign Office the terms to which he would, in such an event, be willing to consent. It now appears from Mr. Thomson's letter of the 4th July (which is noticed in another letter of this date) that the Persian Government do not raise the question, and Sir Charles Wood has certainly no wish that any stipulation on the subject should be inserted in the Persian Convention. He thinks, however, that the proposal of the Turkish Government that the Persian line should be made use of, in the communications east of Bagdad, only when the more direct Turkish line is interrupted, is open to objection.

The important advantages to be expected from the establishment of a secondary line are admitted by Ali Pasha, but the effect of his Excellency's proposal would be to limit the efficiency of that line; since the mere "local" traffic to be expected on it would consist, almost exclusively, of messages transmitted by Persian signallers, in their own, or in the Turkish language; and it is clear that such a line could not be kept up in the state of efficiency required to make it at once available on an emergency for the whole of the Anglo-Indian traffic, unless the establishments were kept up to their work by the regular transmission of a certain amount of European business.

Mr. Baring's letter to Mr. Hammond of the 1st April pointed out how insignificant, as compared with the extent of the whole Turkish line, is the section the receipts from which would be effected by the withdrawal of a portion of the traffic, and Sir Charles Wood is persuaded that the Turkish Government will recognize the advantage of diverting, with the object above explained, such an amount of through-traffic as will suffice to keep the Persian offices in thorough working order, after their attention has been drawn to the importance of maintaining the alternative line in a state of complete efficiency.

I have, &c.
(Signed) J. COSMO MELVILL.

No. 55.

Mr. Melvill to Mr. Hammond.—(Received August 14.)

Sir,

India Office, August 13, 1863.

SIR CHARLES WOOD has been furnished with a copy of a letter from Mr. Thomson to Earl Russell, dated Tehran the 4th July last, upon which he is desirous of making the following observations.

With reference to the objections entertained by the Shah to the construction of the telegraph between Khanakeen and Bushire, with a double wire, I am to state that Sir Charles Wood agrees in the opinion that it is preferable that the simple operation of establishing a line with a single wire only should, in the first instance, be undertaken.

With regard to the proposed distribution between the Turkish and Persian telegraphs of through messages, I am directed to explain that Sir Charles Wood has no wish that any stipulation on the subject should be embodied in the proposed Convention.

Sir Charles Wood requests that Earl Russell will be good enough to communicate his views on the above points to Her Majesty's Minister at Tehran.

I am further to observe that as the European Staff, and the stores for the telegraph in question, have been despatched, it appears to Sir Charles Wood to be of much importance that the Convention on the subject should be ratified without loss of time.

I have, &c.

(Signed) J. COSMO MELVILL.

No. 56.

Earl Russell to Mr. Alison.

Sir, *Foreign Office, August 13, 1863.*

I TRANSMIT to you herewith a Memorandum drawn up for your use by Lieutenant-Colonel Stewart respecting the line of telegraph through Persia now in course of construction;* and I have further to acquaint you that I have informed Secretary Sir Charles Wood, in reply to an application which he has made to me, that I shall be ready to instruct you to make disbursements on account of the India Office, in connection with the telegraph works, as soon as he has furnished me with instructions for your guidance in doing so.

I am, &c.

(Signed) RUSSELL.

No. 57.

Mr. Layard to Mr. Melvill.

Sir, *Foreign Office, August 14, 1863.*

WITH reference to my letter of the 3rd instant, I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir C. Wood, a copy of a despatch from Her Majesty's Ambassador at Constantinople,† inclosing a copy of the Porte's reply to the proposal relative to a division of messages sent by the Bagdad telegraph.

I have, &c.,

(Signed) A. H. LAYARD.

No. 58.

Mr. Melvill to Mr. Hammond.—(Received August 19.)

Sir, *India Office, August 17, 1863.*

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter of the 13th instant, and to acquaint you in reply, that before full details can be given of the disbursements to be made through Her Majesty's Minister at Tehran, on account of the Government of India, in connection with the electric telegraph, it will be necessary that a communication should be addressed to the Government of Bombay, who are responsible for the operations. That Government will, however, be instructed to furnish Mr. Alison with information regarding the disbursements and adjustment of accounts as soon as the final arrangements are matured.

I have, &c.

(Signed) J. COSMO MELVILL.

* Inclosure in No. 52.

† No. 51.

No. 59.

Earl Russell to Mr. Thomson.

Sir,

Foreign Office, August 24, 1863.

WITH reference to your despatch of the 4th of July, I transmit to you herewith copies of two letters from the India Office,* on the subject of the line of telegraph now in course of construction between Bagdad and Bushire.

You will perceive from these papers that Sir C. Wood concurs in the opinion of the Persian Government, that it would be advisable that the line between Khanakeen and Bushire should in the first instance be constructed with a single wire.

With regard to the division of messages between the two lines of telegraph from Bagdad, Sir C. Wood states that as the question does not appear to have been raised by the Persian Government, he has no wish that any stipulation on the subject should be introduced into the Convention; but he points out the importance of a sufficient number of messages being sent by the Persian line to insure its being kept in a thorough state of efficiency.

It only remains for me, in instructing you to act in accordance with the tenor of the inclosed letters, to call your special attention to the expediency of bringing the negotiations to a speedy conclusion, in order that the Convention may be ratified as soon as possible.

I am, &c.
(Signed) RUSSELL.

No. 60.

Earl Russell to Mr. Alison.

Sir,

Foreign Office, August 24, 1863.

WITH reference to my despatch of the 13th instant, I have to acquaint you that I have been informed by Sir C. Wood that the India Office will have to communicate further with the Government of Bombay with respect to the disbursements which you will be requested to make on account of the telegraph between Khanakeen and Bushire; and that full information on the subject will be furnished to you from Bombay.

You will render such assistance as may be in your power with respect to making disbursements on account of the Government of India, when you have been furnished with the requisite information for your guidance.

I am, &c.
(Signed) RUSSELL.

No. 61.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, August 24, 1863.

WITH reference to your despatch of the 9th ultimo, I transmit to your Excellency a copy of a letter from the India Office,† stating that as the question of division of messages by the Bagdad telegraph has not been raised at Tehran, Sir C. Wood has no wish that any stipulation on the subject should be introduced into the Convention with Persia.

Sir C. Wood further points out the serious objections existing to the Porte's proposal that the Persian line should be made use of, in the communications east of Bagdad, only when the more direct Turkish line is interrupted; and urges the necessity, in order to maintain the Persian line in a state of efficiency, that a certain amount of European messages should be sent by that route.

Her Majesty's Government trust that in consideration of these circumstances the Porte will not object to such use being made of both lines between Bagdad and Bushire as will best ensure the efficiency of telegraphic communication between Europe and India.

I am, &c.
(Signed) RUSSELL.

No. 62.

Mr. Layard to Mr. Melvill.

Sir, *Foreign Office, August 25, 1863.*
 I AM directed by Earl Russell to transmit to you herewith, for the information of Secretary Sir Charles Wood, copies of despatches addressed by his Lordship to Sir H. Bulwer, Mr. Alison, and Mr. Thomson, on the subject of the Persian telegraph.*

I have, &c.
 (Signed) A. H. LAYARD.

No. 63.

Mr. Melvill to Mr. Layard.—(Received August 27.)

Sir, *India Office, August 26, 1863.*
 I AM directed to acknowledge the receipt of your letter of the 25th instant, and its inclosures, on the subject of the Persian telegraph, &c., which have been duly laid before the Secretary of State for India.

I have, &c.
 (Signed) J. COSMO MELVILL.

No. 64.

Mr. Melvill to Mr. Layard.—(Received August 28.)

Sir, *India Office, August 27, 1863.*
 I AM directed by the Secretary of State for India to acknowledge receipt of your letter of the 14th instant, inclosing a copy of the Porte's reply to the proposal that the Indian "through" telegraph messages, *via* Bagdad, should be divided between the Persian and the Turkish lines. In reply, and in continuation of my letter of the 13th instant, I am to make the following remarks:—

In the first place I have to observe that in execution of the arrangement with the Turkish Government, the whole of the stores for the direct line from Bagdad to Bussorah have already been purchased and despatched by the Indian Government. A submarine cable has also been provided, at great cost, to extend from Bushire the whole distance westward to the mouth of the "Shat-el-Arab," and this expenditure will be useless if the line from Bagdad to that point be not constructed. It is therefore impossible that the Porte should now be allowed to withdraw from their undertaking to construct the line for which the materials have thus been provided.

But I am to add that Sir Charles Wood is convinced that the Turkish Government has taken a mistaken view of its own interests in this matter. These interests Sir Charles Wood believes to be identical with those of the Indian Government, and that it is for the common interest of both that this duplicate line, through Persia, should be constructed.

On an extended line of telegraph (such as that from England to India) the returns depend mainly on "through" communication, and such appears to be the opinion of the Turkish Government itself. Now it is evident that the result of an interruption on any part of the line must be a loss on the whole of the line of any receipt from these messages, the transmission of which is stopped by the partial break. A further result of such interruption would be that public confidence in the security of the line would be shaken, and the development of the traffic checked, even after the defect had been repaired. Recognizing the importance of this consideration, the Indian Government has throughout acted on the principle that every precaution should be taken to render as secure as possible each and every link of the important chain of communication between Constantinople and India. On this principle, although they have nearly completed the land line from Kurrachee to Guadur, they have resolved, in addition to completing this land line, to incur the further expense of extending the submarine cable from Guadur to Kurrachee; and it was on the same principle that they consented to afford aid to the Persian Government in constructing an alternative line between Bagdad and the Persian Gulf.

There will thus be alternative lines between Kurrachee and Guadur, and between Bushire and Bagdad. If the land line through Mekran should be interrupted, messages may be sent by the submarine line; and in like manner if the line from Bushire to Bagdad should be interrupted, there will be the means of sending the message *vid* Tehran; and if the latter line be interrupted, the messages can be sent *vid* Bussorah.

During winter the maintenance of parts of the Persian line is likely to prove difficult and uncertain, while during August and September the same may probably be the case with the Bussorah route. It is, however, very improbable that both these lines will be interrupted at the same time. The transmission of messages by either one route or the other is thus rendered as secure as can be, and the certainty of the delivery of "through" messages, on which the employment of the line so much depends, will in a great measure be insured; and, as the pecuniary return from the line depends on the extent to which it is used, the certainty of transmission is really the means of ensuring large returns on the expenditure incurred.

At first sight it appears that, in the case of messages sent by the Persian line, both the Indian and the Turkish Governments are likely to lose part of the returns that might otherwise be looked for from their respective portions of the more direct line from Bagdad, *vid* Bussorah, to Bushire; and, as the cost of the submarine cable is nearly 300*l.* per mile, it may be remarked that the interests of the Indian Government in the returns from this direct line are quite as great, or indeed greater, than those of the Porte. The consideration of an alternative line, however, affords increased security to the "through" communications in a degree that has been deemed much more than sufficient to outweigh this consideration.

In short, therefore, the Turkish Government has the strongest interest in making the communication eastward of Bagdad as certain and free from interruption as possible. The length of line from Bagdad westward to the frontier of the Turkish dominions in Europe is so great, and the payment for the transmission of messages along that line is so large, in proportion to that due to the shorter portions from Bagdad to Bussorah, or from Bagdad to Khanakeen, that the certainty on these latter portions is of the greatest importance towards securing the receipts on the longer part of their line. Any difference between the payments for messages sent by the Bagdad and Bussorah line, and for those sent on the line between Bagdad and Khanakeen, is insignificant in comparison with the security afforded by these two concurrent lines for the transmission of messages all the way through Turkey in Asia and Turkey in Europe, and the receipts to be derived from it by the Turkish Government. Sir Charles Wood entertains no doubt but that when this view is put before them, the Turkish Government will no longer hesitate to perform their part of the engagement by completing the line between Bagdad and Bussorah.

I have, &c.

(Signed) J. COSMO MELVILL.

No. 65.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, September 8, 1863.

WITH reference to your Excellency's despatch of the 31st of July, and to my despatch of the 24th ultimo, I transmit to you herewith a copy of a letter from the India Office,* stating the reasons why Sir Charles Wood considers it impossible that the Porte should be allowed to withdraw from its undertaking to construct the telegraph from Bagdad to Bussorah, and pointing out how the Turkish Government has taken a mistaken view of its own interests in this matter, which Sir Charles Wood believes to be identical with those of the Indian Government, and that it is for the common interest of both Governments that a duplicate line of telegraph to India, through Persia, should be constructed.

Her Majesty's Government trust that the Turkish Government will, on learning from your Excellency their views as set forth in the India Office letter, no longer hesitate to perform their part of the engagement of completing the line of telegraph between Bagdad and Bussorah.

I am, &c.

(Signed) RUSSELL.

No. 66.

Mr. Merivale to Mr. Hammond.—(Received September 11.)

Sir,

India Office, September 11, 1863.

IN continuation of former correspondence,* I am directed by Sir Charles Wood to acquaint you, for the information of Earl Russell, that Lieutenant J. N. Champain, R.E., has been appointed director of the operations about to be undertaken in Persia for the construction of land lines of telegraph in connection with the Persian Gulf cable.

Lieutenant Champain will leave England during the present week, and will pass through Tehran on his way to Bushire.

Sir Charles Wood requests that Earl Russell will cause Her Majesty's Minister in Persia to be apprized of Lieutenant Champain's appointment.

I am, &c.

(Signed)

HERMAN MERIVALE.

No. 67.

Earl Russell to Mr. Alison.

Sir,

Foreign Office, September 11, 1863.

I TRANSMIT for your information the accompanying copy of a letter from the India Office,† announcing the appointment of Lieutenant J. N. Champain, R.E., as Director of the operations about to be undertaken in Persia for the construction of the land lines of telegraph in connection with the Persian Gulf cable.

I am, &c.

(Signed)

RUSSELL.

No. 68.

Mr. Merivale to Mr. Hammond.—(Received September 12.)

Sir,

India Office, September 11, 1863.

IN continuation of Mr. Melvill's letter of 27th ultimo, relative to the proposed direct Turkish line of telegraph from Bagdad to the Persian Gulf, I am directed by Sir Charles Wood to request that Earl Russell will cause the following particulars regarding the steps taken here for aiding in the construction of that line, to be communicated to the Turkish Government.

It has already been intimated that stores and materials, including "compound" iron posts for the whole of this line, have been supplied by the Government of India. The first cargo of these stores may be expected at Bussorah during the present month; intimation has been made to Colonel Kemball of each successive shipment; detailed lists of the stores and descriptions of the posts have also been forwarded; and an Inspector, who had previously been instructed in all details connected with the iron posts and other stores, left England for Bagdad *via* Beyrout, on the 12th ultimo. This Inspector has been instructed, on his arrival at Bagdad, to afford all information that may be required for effecting the proper distribution of the stores; and it is hoped that the line may thus be commenced before the end of October.

The total length of line from Bagdad to Fas, by the route selected by Colonel Kemball, is about 375 miles, and there is no doubt that this length of line can be readily completed before the end of January if a sufficient number of distinct working-parties are organised and set to work on different sections of the line.

With five such working parties, the average length for each will be only 75 miles; and, if efficient supervision can be secured for each party, and proper instruction afforded in the method of erecting the iron posts, the whole line should be completed with certainty within the period named. It is obviously of great importance both to the Turkish and Indian Governments that this link in the chain of communication should be completed simultaneously with the more eastern or submarine portions,—that is, before the end of January next. With a view, therefore, of affording all possible assistance, the following arrangements have been made:—

Five complete sets of tools, implements, and apparatus of every kind that can be

* No. 64.

† No. 66.

required by a working party employed in the construction of a line with iron posts have been provided, and sent out with the other stores; one Inspector and four non-commissioned officers of the Royal Engineers, who had previously been instructed in the erection of the posts, have been sent, *via* Bombay, to Bussora, where they may be expected to arrive about the end of October,—the earliest time at which Europeans could be employed in Mesopotamia. The services of these men, as well as those of the Inspector previously referred to, will be placed at the disposal of Colonel Kemball for employment with the different working parties, in such manner as may be most convenient to the Turkish officials. A telegraphic engineer, Mr. Greener, is also at Bagdad, and the whole of this staff will be made available, under Colonel Kemball's orders, to aid in the operations until the completion of the work.

The Government of India, by whom the whole of the staff above referred to will be paid, has made these arrangements with a view of promoting the early and effectual completion of this important line, but it is of course necessary that the approval of the Turkish Government should be given before the staff can be employed in the manner suggested. It is moreover very desirable, and Sir Charles Wood would suggest that the attention of Her Majesty's Ambassador at Constantinople should be especially drawn to this point, that this approval should be distinctly expressed to the Pasha of Bagdad, in order to insure the cordial co-operation of the Turkish officials.

I have, &c.

(Signed) HERMAN MERIVALE.

No. 69.

Earl Russell to Sir H. Bulwer.

Sir,

Foreign Office, September 15, 1863.

WITH reference to my despatch of the 8th instant, I transmit herewith a copy of a further letter from the India Office,* reporting the steps taken for aiding in the construction of the proposed direct Turkish line of telegraph from Bagdad to the Persian Gulf, and I have to instruct your Excellency to communicate the particulars to the Turkish Government, pointing out to them that those arrangements have been made with the view of promoting the early and effectual completion of that important line of telegraph.

As it is of course necessary that the approval of the Porte should be given before the staff can be employed in the manner suggested, I have to instruct your Excellency to endeavour to obtain such sanction with as little delay as possible, and to take especial care that the Pasha of Bagdad is distinctly informed that the Turkish Government have approved of the arrangements in question, in order to insure the cordial co-operation of the Turkish officials.

I am, &c.

(Signed) RUSSELL.

No. 70.

Earl Russell to Mr. Alison.

Sir,

Foreign Office, September 23, 1863.

WITH reference to my despatch of the 24th ultimo, respecting the disbursements to be made through you on account of the telegraph between Khanakeen and Bushire, I transmit for your information the accompanying copy of a despatch to the Government of Bombay upon that subject.

I am, &c.

(Signed) RUSSELL.

Inclosure in No. 70.

Sir C. Wood to the Government of Bombay.

(Telegraphic.)

September 16, 1863.

1. WITH reference to my despatch of 25th June last, on the subject of disbursements to be made at Tehran, Bagdad, and Bushire, on account of the telegraph in Persia, copies are

* No. 68.

herewith forwarded, for your Excellency's information, of the correspondence noted in the margin.*

2. The disbursements in question will consist chiefly of salaries of sanctioned establishments, particulars of which were furnished by my despatches of 15th August and 16th instant; but some additional payments will have to be made on account of travelling and contingent expenses.

3. It will be observed from the inclosed correspondence that Mr. Alison, Her Majesty's Minister at Tehran, will look to your Government for specific information regarding his disbursements and the subsequent adjustment of accounts, and it will be necessary that similar information should be furnished by you to Colonel Kembal at Bagdad, and to Lieutenant-Colonel Pelly at Bushire.

4. In the preparation of instructions to these several officers the suggestions contained in the enclosed letter from Colonel Stewart will no doubt be found useful.

No. 71.

Mr. Merivale to Mr. Hammond.—(Received September 29.)

Sir, *India Office, September 28, 1863.*

WITH reference to the correspondence on the subject of the establishment of an alternative line of telegraph from Bagdad, *viâ* Khanakeen, through Persia to Bushire, I am directed by Sir Charles Wood to state that it appears to him to be desirable that the following proposals for the construction and working of that portion of the line which will run through Turkish territory, should be made to the Government of the Porte, viz.:

That the materials required for the construction of the line shall be provided by the Indian Government under an arrangement similar to that under which stores for the Bagdad and Bussorah line have been supplied.

That the construction of the line shall be carried out by the Turkish Government, but the Indian Government will be prepared to render such assistance as may be required, by providing superintendence, and by making advances under a similar arrangement to that referred to in the preceding paragraph, to defray the cost of construction.

That having reference to the total length of the section of the line running through Turkish territory (ninety-seven miles) the expense of establishing a repeating station on the frontier be dispensed with; the line from Bagdad to the first Persian station (Kermanshah) being worked as a single direct electrical circuit; and—

That for all messages transmitted by the Persian line, the Turkish Government be credited with the proportion of tariff charge due to them for the section in the territory. But it appears to Sir Charles Wood, that in order to secure the efficiency of the whole line, it would be advantageous that the Turkish section, and the line in Persia, should be placed under the same general superintendence; and that to enable the English Superintendent to make arrangements for the due despatch of messages, he should have control of that part of the office establishment at Bagdad which is employed in connection with the Persian branch line.

Sir Charles Wood accordingly requests that instructions may be issued to Her Majesty's Ambassador at Constantinople to enter into an arrangement with the Turkish Government on the basis of the above proposals.

I have, &c.

(Signed) HERMAN MERIVALE.

No. 72.

Earl Russell to Sir H. Bulwer.

Sir, *Foreign Office, September 29, 1863.*

WITH reference to my despatches, of the 8th and 15th instant, respecting the establishment of an alternate line of telegraph from Bagdad, *viâ* Khanakeen, through Persia, to Bushire, I transmit, for your Excellency's information and guidance the accompanying copy of a letter from the India Office,† stating the proposals which Sir Charles Wood desires to have made to the Porte in regard to the construction and working of that

* Nos. 53 and 58.

† No. 71.

portion of the line which will run through Turkish territory, and I have to instruct your Excellency to act in accordance with the wishes of the Secretary of State for India as therein explained.

I am, &c.
(Signed) RUSSELL.

No. 73.

Sir H. Bulwer to Earl Russell.—(Received October 24.)

My Lord,

Therapia, October 15, 1863.

IN pursuance of the instructions contained in your Lordship's despatches of the 24th of August, and 8th, 15th, and 29th of September last, I have addressed three notes to the Porte, urging it not to withdraw from the construction of a line of telegraph from Bagdad to Bussorah. I made use of all the arguments employed by the India Office to show that it is as much for the interest of the Turkish Government as it is for that of the British Government that a duplicate line of Telegraph should be available to India, and after some hesitation the Porte has at length acquiesced in the views of Her Majesty's Government, and consented to avail itself of the staff of engineers provided by the Indian Government as set forth in the letters from the India Office of September 11th and 28th.

Aali Pasha has thought it advisable, however, to stipulate in writing the conditions on which the lines both to Bussorah and Khanakeen are to be undertaken. I have, therefore, subject to your Lordship's approval, agreed to the draft Protocol herewith inclosed, which appears to me to embody the principal arrangements contemplated by Sir Charles Wood.

The details, connected with the working of the lines, are left for consideration hereafter.

The payment of the materials furnished by Her Majesty's Government is made contingent upon the actual opening of the line for through traffic, by a provision that such payment shall be met out of the receipts of the lines; and this condition, under the circumstances, appeared to me so reasonable that I could offer no objection to its being inserted in the Protocol.

Although it is stipulated in Article 9 that the traffic shall be equally divided between the two lines, I have, as authorized by Sir Charles Wood, informed the Porte that the Indian Government would not, without necessity, divert from the Bussorah Line a greater amount of traffic than would suffice to keep the Persian offices in thorough working order.

It will, therefore, be open to the Indian Government to determine what amount of through traffic, beyond one-half, shall be transmitted by the Bussorah Line. But it would, perhaps, simplify matters if an understanding were come to with the Porte that messages may be forwarded indifferently by either line, as happens to be most convenient, and that payment be calculated on the mean distance of 375 and 89 miles, the distance of Bagdad from Bussorah and Khanakeen, respectively.

I am now awaiting your Lordship's instructions by telegraph as to whether the Protocol is approved by Her Majesty's Government. When it has been signed, orders will be transmitted to Bagdad by telegraph to commence the works on the Bussorah Line as soon after the arrival of the staff of engineers from India as may be practicable.

I have, &c.
In the absence of Sir H. Bulwer,
(Signed) E. M. ERSKINE.

Inclosure in No. 73.

Draft of Protocol.

[See Protocol, as signed October 20, 1863 : Inclosure in No. 75.]

No. 74.

Mr. Hammond to Mr. Merivale.

Sir,

Foreign Office, October 24, 1863.

WITH reference to my letter of the 6th instant, I am directed by Earl Russell to transmit to you, for the consideration of Sir C. Wood, the accompanying copy of a despatch from Her Majesty's Ambassador at Constantinople,* inclosing a copy of the Protocol which the Porte is anxious his Excellency should sign relative to the Bagdad and Bussorah Telegraph.

I have, &c.
(Signed) E. HAMMOND.

No. 75.

Sir H. Bulwer to Earl Russell.—(Received November 1.)

My Lord,

Therapia, October 20, 1863.

IN accordance with the instructions conveyed to me by your Lordship's telegram of the 17th instant, I have this day signed a Protocol with Aali Pasha, herewith inclosed, determining the conditions on which the Porte is prepared to construct and work a duplicate line of telegraph between Bagdad and Bussorah and Bagdad and the Persian frontier, in connection with the submarine cable from India by the Persian Gulf.

As your Lordship appears to me in doubt with respect to the exact tenor of the Convention of Brussels referred to in Article 11 of this Protocol, I think it better to transmit also a copy of that instrument. It was framed, as your Lordship will perceive, mainly with the view of settling a uniform regulation and tariff for international telegraphic communications on the continent; and as its provisions are already in force throughout the Turkish Empire, the Porte is desirous that they should, as far as may be practicable, become the basis of any future arrangements with Her Majesty's Government in respect with the traffic in India.

The Persian Minister is, I believe, instructed to negotiate a telegraphic Convention with the Porte on somewhat similar terms, and your Lordship may perhaps see fit to compris  Persia also in the arrangements to be adapted for working the different lines.

It is my intention to forward a copy of this Protocol to Colonel Kemball by to-morrow's post for his information and guidance.

I have, &c.
In the absence of Sir. H. Bulwer,
(Signed) E. M. ERSKINE.

Inclosure in No. 75.

Protocol.

A LA suite d'un  change de notes qui a eu lieu entre l'Ambassade de Sa Majest  Britannique et le Ministre des Affaires Etrang res de Sa Majest  le Sultan, au sujet de la prolongation de la ligne A rienne de Bagdad jusqu'  Bussorah et Khanakain, dans le but de relier par deux lignes diff rentes les t l graphes Indiens au r seau t l graphique de l'Europe, l'Ambassadeur de la Reine de la Grande Bretagne pr s la Sublime Porte et le Ministre des Affaires Etrang res du Sultan, en vue d'assurer la r alisation de ces entreprises, ont arr t  l'arrangement suivant :—

Article 1. Le Gouvernement Ottoman fera prolonger   ses frais :—

1: La ligne de Bagdad   Bussorah ;

2. Il construira une ligne A rienne de Bagdad jusqu'  Khanakain, sur la fronti re Persane. Ces deux lignes seront   deux fils, dont l'un sera destin  au service exclusif des messages directs.

Art. 2. Le Gouvernement Indien portera, de son c t ,   ses frais, le c ble sousmarin Indien, aboutissant   Bushire, soit   Bussorah soit   un autre point quelconque de l'embouchure du Schat-el-Arab, qui sera d sign  plus tard, et qui sera reli    la ligne A rienne.

* No. 73.

Art. 3. Le Gouvernement Indien fournira en outre au Gouvernement Ottoman tous les matériaux nécessaires, y compris les pôleaux en fer, pour la construction des deux lignes Aériennes ci-dessus indiquées.

Les deux ingénieurs télégraphiques qui se trouvent déjà à Bagdad, ainsi que l'inspecteur et les quatre sous-officiers de génie Britannique qui sont attendus prochainement dans cette ville, seront mis à la disposition des autorités Ottomanes pour coopérer à la construction de ces lignes.

Art. 4. Le Gouvernement Ottoman payera les matériaux ainsi fournis par le Gouvernement Indien, sur la recette des messages télégraphiques Indiens, qui traverseront la ligne de l'extrême frontière Européenne de l'Empire Ottoman, soit jusqu'à Bussorah, soit jusqu'à Khanakain, d'après un arrangement spécial que les deux Gouvernements se réservent d'établir pour déterminer la mode et l'époque des versements du prix de ces matériaux.

La rétribution des ingénieurs reste à la charge du Gouvernement Indien.

Les matériaux qui sont fournis par le Gouvernement Indien seront consignés, à leur arrivée, entre les mains des autorités Ottomanes contre leur reçu.

Art. 5. Les autorités Impériales recevront l'ordre de faire commencer immédiatement les travaux de la ligne de Bagdad à Bussorah.

Art. 6. Le câble sousmarin qui doit se relier à la ligne Aérienne de Bagdad à Bussorah devra être posé le plutôt possible, afin d'en assurer le fonctionnement simultané.

Art. 7. Aussitôt que cette ligne aura été achevée le Gouvernement Ottoman mettra la main à celle de Bagdad à Khanakain, pour laquelle le Gouvernement Indien s'engage à fournir également les matériaux et les ingénieurs aux mêmes conditions qui ont été stipulées pour la ligne de Bussorah.

Art. 8. La Sublime Porte aura soin, selon la nécessité, d'employer pour le service de ces lignes des personnes possédant la langue Anglaise.

Art. 9. Toutes les dépêches à destination ou provenant des Indes seront partagées à portion égale entre la ligne projetée de Bagdad à Bussorah d'une part, et celle de Khanakain d'autre part.

Pour éviter toute difficulté d'exécution, l'application du partage aura lieu de la manière suivante :

Toutes les dépêches provenant des Indes devront passer par la ligne de Khanakain. Par contre toutes celles à destination des Indes traverseront la ligne de Bagdad à Bussorah.

Art. 10. La stipulation de l'Article 9 sera en vigueur pendant dix ans, à l'expiration desquels il pourra être révisé moyennant une nouvelle entente entre les deux Gouvernements.

Art. 11. Les deux Gouvernements se réservent d'arrêter et de conclure une Convention Télégraphique sur les bases de l'Acte de Bruxelles, qui constitue la Loi Internationale des Lignes Electriques.

En foi de quoi, l'Ambassadeur de Sa Majesté Britannique et le Ministre des Affaires Etrangères de Sa Majesté Impériale le Sultan ont signé le présent Protocole, en double expédition, et y ont apposé le sceau de leurs armes.

Fait à la Sublime Porte, le vingt du mois d'Octobre, de l'an mil huit cent soixante-trois.

Pour Sir Henry Bulwer,

(L.S.) E. M. ERSKINE. (L.S.) AALI.

Translation.

CONSEQUENT upon the exchange of notes which has taken place between the Embassy of Her Britannic Majesty and the Ministry of Foreign Affairs of His Majesty the Sultan, on the subject of the extension of the line above ground from Bagdad to Bussorah and to Khanakeen, with the object of connecting by two different lines the Indian telegraphs with the telegraphic network of Europe, the Ambassador of Her Britannic Majesty at the Sublime Porte and the Minister of Foreign Affairs of the Sultan, with a view to this, have decided on the following arrangement :—

Article 1. The Ottoman Government will extend at its own expense :—

1. The line above ground from Bagdad to Bussorah.

2. It will construct a line above ground from Bagdad to Khanakeen on the Persian frontier. These two lines shall consist of two wires, of which the one shall be kept exclusively for direct messages.

Art. 2. The Indian Government, on its side, at its own cost, shall carry the Indian submarine cable, which joins at Bushire, either to Bussorah or to some other point at the mouth of the Shat-el-Arab, which shall be designated later, and which shall be connected with the line above ground.

Art. 3. The Indian Government besides shall furnish to the Ottoman Government all the necessary materials, including the poles of iron for the construction of the two lines above ground before-mentioned.

The two telegraphic engineers who are already at Bagdad, as also the inspector and the four sub-officers of the British Engineers which are soon expected to arrive in that city, shall be placed at the disposal of the Ottoman Authorities to co-operate in the construction of these lines.

Art. 4. The Ottoman Government shall pay for the materials thus furnished by the Indian Government with the money received for telegraphic messages from India, which shall traverse the line of the extreme European frontier of the Ottoman Empire, be it to Bussorah or as far as Khanakeen, according to a special arrangement, which the two Governments reserve to themselves to establish, to determine the mode and the period of the payment of the price of these materials.

The salaries of the engineers to be paid by the Indian Government. The materials which shall be furnished by the Indian Government shall be consigned on their arrival to the hands of the Ottoman authorities, and a receipt given for them.

Art. 5. The Imperial authorities shall immediately receive orders to begin the works upon the line from Bagdad to Bussorah.

Art. 6. The submarine cable which is to meet the line above ground from Bagdad to Bussorah shall be laid as soon as possible, in order to secure simultaneous operations.

Art. 7. As soon as this line shall have been completed the Ottoman Government shall commence the line from Bagdad to Khanakeen, for which the Indian Government equally engages to furnish materials and engineers on the same conditions as those which have been stipulated for the line from Bussorah.

Art. 8. The Sublime Porte shall take care, if need be, to employ for the working of these lines, persons acquainted with the English language.

Art. 9. All the despatches addressed to or coming from India shall be equally divided between the line from Bagdad to Bussorah on the one hand, and that of Khanakeen on the other.

To avoid all difficulty of execution, the application of this system of division shall be as follows :

All despatches coming from India shall pass by the line from Khanakeen. On the other hand, all those for India shall be sent by the line from Bagdad to Bussorah.

Art. 10. The stipulation of Art. 9 shall remain in force for ten years, at the end of which it can be revised by means of a new understanding between the two Governments.

Art. 11. The two Governments reserve to themselves the right to determine on and conclude a Telegraphic Convention on the bases of the Act of Brussels which constitutes the International Law of Lines of Electric Telegraphs.

In faith of which the Ambassador of Her Britannic Majesty and the Minister for Foreign Affairs of His Imperial Majesty the Sultan have signed the present Protocol in duplicate, and have annexed their seals.

Done at the Sublime Porte, the 20th day of October, 1863.

For Sir Henry Bulwer,
(L.S.) E. M. ERSKINE.

(L.S.) AALI.

No. 76.

Mr. Baring to Mr. Hammond.—(Received November 2.)

Sir,

India Office, November 2, 1863.

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter of the 24th ultimo, with inclosure from Her Majesty's Ambassador at Constantinople, and in reply, to state that he is ready to assent to all the conditions of the Protocol respecting the Mesopotamian land lines of telegraph, which the Porte are desirous that his Excellency should sign.

Instead, however, of dividing the traffic, as stipulated in the Protocol, equally between the Bussorah and Khanakeen Lines, Sir Charles Wood would prefer that, as suggested by Sir Henry Bulwer, messages shall be left forwarded indifferently by either line, as happened to be most convenient, and that payment should be calculated on the mean of 375 and 89 miles, the distances between Bagdad and Bussorah, and Bagdad and Khanakeen respectively. But if a change to this effect be made in the Protocol, it will be necessary, in order to ensure the maintenance of the Bussorah Line, to provide that the mean rate of payment should continue in force only as long as both lines are kept in efficient working order.

It might, too, be perhaps desirable to modify the wording of that part of Article 3, which places the English engineers sent out to construct the lines at the disposal of the Turkish authorities, by providing that all communication from the latter to the former should be made through Colonel Kembell.

I have, &c.

(Signed) T. G. BARING.

No. 77.

Mr. Alison to Earl Russell.—(Received November 3.)

My Lord,

Tehran, October 5, 1863.

I HAVE the honour to inform your Lordship that Mr. Man, with two other English engineers, who have been selected at the India Office to superintend the construction of portions of the Persian Line of Telegraph, arrived in Tehran on the 1st instant.

The wire and materials required for this line have not, so far as I am informed, yet reached the Persian Gulf, but I consider it advisable that no time should be lost in making such preparations as might be practicable in the absence of these stores, and I accordingly instructed Mr. Thomson to wait upon the Minister for Foreign Affairs, with the above gentlemen, in order to present them to his Excellency, and to arrange for commencing operations at once.

The Prince Itizad-oo-Sultaneh, under whose directions the Persian Telegraph is to be constructed, was also present at the interview which Mr. Thomson had with Meerza Saeed Khan yesterday for this purpose, and His Royal Highness expressed it as his opinion, that it would not be expedient to begin erecting the posts until the insulators had been received, as it would be found very inconvenient, and perhaps impossible, to fix the insulators by means of ladders after the supports had been placed in the ground. He therefore considered that it would be on the whole better that the engineers who have just arrived should proceed to survey carefully the portions of the line allotted to them, in order to determine the exact route along which the wires should be laid down, and to satisfy themselves at the same time that the posts which had been prepared by the Persian Government were perfectly distributed along the road, and that they were sufficiently strong for the purpose required.

From the list of telegraph stores which have been forwarded to this country, it seems that the number of insulators sent out will only suffice for a comparatively small portion of the entire line, and unless this is speedily rectified, it may cause considerable delay hereafter in completing the work. Mr. Man, it is true, appears to think that insulators will scarcely be required in this climate, but until Lieutenant Champain reaches Tehran, which will probably be in the course of two or three weeks, no decision will be arrived at on this question.

In the meantime, ten Persian signallers are to be placed with the English Superintendents, in order that they may receive daily instruction in the use of the telegraphic instruments, which are to be furnished for this line; though in signifying his readiness to adopt this measure, the Itizad Sultaneh-oo-pointed out the inconvenience which would eventually be felt from these instruments being intended for communicating in the English language only, instead of having also the Persian character, as is the case with those hitherto used by the Persian Government.

I have, &c.
(Signed) C. ALISON.

No. 78.

Mr. Hammond to Mr. Merivale.

Sir, *Foreign Office, November 4, 1863.*
I AM directed by Earl Russell to transmit to you, to be laid before Secretary Sir C. Wood, the accompanying copy of a despatch from Her Majesty's Ambassador at Constantinople,* inclosing the Protocol signed on the 20th ultimo, relative to the Bagdad and Bussorah Telegraph.

I have, &c.
(Signed) E. HAMMOND.

No. 79.

Earl Russell to Sir H. Bulwer.

Sir, *Foreign Office, November 5, 1863.*
WITH reference to your despatch of the 15th ultimo, I transmit herewith, for your Excellency's information, a copy of a letter from the India Office,† from which you will perceive that while Secretary Sir C. Wood concurs in the conditions laid down in the Protocol which you have signed relative to the Bussorah Telegraph, he makes certain suggestions which he thinks may be advantageously carried into effect, if practicable, in connection with that Protocol.

I have accordingly to instruct your Excellency to be guided by the wishes expressed in the India Office letter in this matter.

I am, &c.
(Signed) RUSSELL.

No. 80.

Mr. Alison to Earl Russell.—(Received November 9.)

(Extract.) *Tehran, October 5, 1863.*

IN the concluding paragraph of Mr. Cosmo Melvill's letter to Mr. Hammond dated August the 13th, inclosed in your Lordship's despatch to me of the 24th August, it

* No. 75.

† No. 76.

it is said, "as the European staff, and the stores for the telegraph in question, have been despatched, it appears to Sir Charles Wood to be of much importance that the Convention on the subject should be ratified without loss of time."

I am informed by Mr. Thomson that there has been no question of the formal conclusion of a Convention respecting the telegraph, and that he had not himself taken any steps for that purpose. There are no precise instructions from your Lordship's office, nor are there any full powers for the conclusion of this instrument. A formal engagement has been entered into, on the part of the Persian Government, for the construction of a line of telegraph from Khanakeen to Bushire, which has been agreed to by Her Majesty's Government, and which is deposited in the archives of this Mission.

On bringing the proposal for entering into a Convention before the Minister for Foreign Affairs, I was informed by his Excellency that the Shah's Government had never contemplated such a measure, and that the King did not see any necessity for it at present. I inclose copy of Mr. Thomson's report on this subject. Since that was drawn up Mirza Saeed Khan has confirmed to me personally the views entertained by His Majesty.

The engagement with the Persian Government is equally valid for the purpose in contemplation, which both the King and his Ministers declare themselves most anxious to carry out without loss of time.

Inclosure in No. 80.

Mr. Thomson to Mr. Alison.

Sir,

Gulahek, September 25, 1863.

HAVING, in compliance with your instructions, prepared under the form of a Convention, in Persian and English, the necessary papers respecting the construction of the Persian Telegraph, I yesterday waited upon the Minister for Foreign Affairs, for the purpose of submitting them to him, with a view to their subsequent signature.

His Excellency appeared to be unprepared for the proposal thus made. He said that a formal Convention of this nature had not been contemplated by the Shah's Government, and that he considered that the paper which he had already sealed and delivered to Her Majesty's Mission was sufficient to answer all the purposes required. That document was a formal engagement on the part of the Persian Government to construct the line of telegraph from Khanakeen to Bushire, under certain conditions, and the Persian Government was fully prepared to carry out all the stipulations therein set forth without loss of time; but no proposal having been made hitherto to draw up a Treaty or Convention on the subject, he was of opinion that the King would not now be disposed to make any change in the form of the agreement already made, which had been submitted to, and entirely approved of, by His Majesty before it was signed and transmitted to the Mission. In order to prove that no Convention was proposed at the outset he said it would only be necessary to call attention to the concluding phrase in the engagement he had signed, wherein it was stated, that if the English Government approved of the terms offered, the Persian Government would at once commence the construction of the line, no mention being made of any intention on either side to conclude a Convention on the subject.

His Excellency desired me to state to you, that in making the above remarks, he had simply expressed his own private opinion, and that he would refrain from giving any official reply until he had ascertained what the Shah's wishes were on this question.

I have, &c.

(Signed) R. F. THOMSON.

No. 81.

Mr. Alison to Earl Russell.—(Received November 21.)

My Lord,

Tehran, October 19, 1863.

MY attention having been drawn to certain inaccuracies in the translation of the Persian Agreement respecting the telegraph, which was forwarded to your Lordship by Mr. Eastwick in his despatch of the 19th of December, 1862, I have desired Mr. Thomson to make a correct translation of that document, which I now do myself the honour to inclose for your Lordship's information.

I have, &c.
(Signed) C. ALISON.

Inclosure in No. 81.

Engagement entered into by the Persian Minister for Foreign Affairs for the Construction of a Line of Telegraph from Khanakeen to Bushire.

(Translation.)

1. THE Persian Government considers it necessary to construct a line of telegraph without delay from Khanakeen to the capital, Tehran, and from Tehran to the port of Bushire; and they agree that, whenever the English Government may require to communicate by the said telegraph, they are to be at liberty to do so through the Persian telegraph officers in the way they may desire, paying for the same at rates to be specified hereafter.

2. The Persian Government will assign a sum sufficient for the construction of this telegraph, and for the purchase of such materials as are not procurable in Persia, or can be better obtained in Europe.

3. The Persian Government engages to purchase from the English Government all the materials which are better procurable in Europe, and the English Government agrees to supply such materials at moderate prices.

4. In order that the said line of telegraph may be well constructed and officially worked, the Persian Government agrees to place it under the superintendence of an English engineer officer, who is to be paid by the English Government, and they further agree to fix a period during which instruction may be given and the line may be brought into good working order; and his Royal Highness the Itizad-oo-Sultaneh, the Minister of Public Instruction, and his Excellency the Amin-ed-Dowleh will have cognizance of the aforesaid officer's proceedings.

5. The said officer will be fully empowered to call upon the Persian authorities to supply any materials he may consider requisite for this work, and the Persian authorities will make no alteration in his requisitions unless it should be impossible to obtain the thing required. But a Persian officer will accompany him everywhere, so that he may be informed of what is done, and of the prices of the materials; and the accounts will be audited by the above-mentioned Prince and by the Amin-ed-Dowleh every three months, when a report will be drawn up and printed in the "Tehran Gazette."

6. In order to increase the friendship between the two Governments, and to promote the above undertaking, the English Government engages to purchase in England at reasonable rates, with the approval of the Persian Minister Plenipotentiary, the materials required for this work, and to convey them to the Persian frontier, and to receive from the Persian Government the price paid for the above articles by five instalments in five years after they are delivered on the frontier of Persia.

(In the handwriting of the Persian Minister for Foreign Affairs.)

The Persian Government accepts this engagement. If the English Government desires it, the construction of the line of telegraph will be commenced in conformity with the above stipulation.

No. 82.

Mr. Erskine to Earl Russell.—(Received November 21.)

My Lord,

Constantinople, November 11, 1863.

BY a telegraphic despatch from Her Majesty's Consul-General at Bagdad, dated the 7th instant, I learn that arrangements have been made with the Governor-General for the commencement of the line of telegraph to Bussorah, and that three English and two

Turkish engineers are already at work superintending the distribution of the materials along the line.

The staff expected from India had not then arrived at Bagdad.

I have, &c.
(Signed) E. M. ERSKINE.

No. 83.

Mr. Merivale to Mr. Hammond.—(Received December 2.)

Sir,

India Office, December 2, 1863.

I AM directed by Secretary Sir Charles Wood to state, for the information of Earl Russell, that all arrangements requisite in this country for extending the electric telegraph from Bagdad to India have now been completed, and that Lieutenant-Colonel P. Stewart has left England, to superintend, with the aid of Sir Charles Bright, the submersion of the submarine portions of the line, and to organize official establishments, and make other indispensable preparations for working it.

Before, however, a satisfactory system of working can be established, it is desirable that the assent of the Porte should be obtained to the direct participation by British officers in the service of the Turkish lines; and there are also several other points the settlement of which must probably become the subject of negotiation. Among these may be mentioned the periodical interchange of returns, the adjustment of tariffs, and of liability for loss or "mutilation" of messages, the distribution of traffic between concurrent lines, the mode of insuring the requisite priority of Government despatches, and the methods to be adopted for forwarding written despatches during the occurrence of interruption on any link of the line.

The usual European practice (and that to which in their recent despatches the Turkish Government refer) is to embody, in a formal Convention, all that may be mutually agreed on between the various administrations concerned; and if practicable it would, in Sir Charles Wood's opinion, be desirable to enter into such a detailed Convention both with Turkey and Persia before commencing to use the through line. It has, however, been represented to him that the changed conditions which apply to so extended a system of lines as that between India and Europe will necessitate very considerable alterations in the principles on which the Conventions now in force for the more limited system of telegraph in Europe have been based. At present it is impossible to foresee the exact nature of the alterations required; and the best plan would, therefore, seem to be to work the line experimentally for a short time, adopting, so far as they are applicable, the terms of the Brussels Convention, but postponing the formal introduction of alterations until some actual experience in the working of the extended line shall have supplied sufficient data for the preparation of such a Convention as shall be permanently applicable.

There are still other preliminaries, connected principally with the mode of accounting for and apportioning traffic receipts, which must be disposed of before even the experimental working can be commenced. On these and other points, which cannot be settled without the concurrence of the Turkish Government, Sir C. Wood has caused Memoranda to be prepared which are herewith transmitted, and copies of which he requests may, if Earl Russell sees no objection, be forwarded to Her Majesty's Ambassador at Constantinople, with a view to his effecting a temporary agreement upon the basis therein laid down. If this be done, it will be necessary for the purposes of the agreement to station a traffic-manager at Constantinople on behalf of the Indian Government; and Sir C. Wood has selected for the office Mr. Walter Courtenay, who, as Secretary of the Submarine Telegraph Company, has become thoroughly conversant with all the details of telegraphic business, and has, moreover, had much experience in considering and maturing the terms of telegraph Conventions. It is probable that Mr. Courtenay's presence at Constantinople might be very useful for the purpose of supplying information on technical points; and Sir Charles Wood will desire him to proceed at once to his post, and to place himself at the disposal of Her Majesty's Ambassador, if Earl Russell agrees with him in thinking the step advisable.

I have, &c.
(Signed) HERMAN MERIVALE.

Inclosure in No. 83.

Memorandum.

PROPOSED Political Convention with Turkey for the working of the Indo-European Telegraph, on the first opening of the through line, and during the period that must elapse before the preparation of a more detailed and formal Convention.

ALL the terms of the Protocol recently signed at Constantinople to have effect, and the following, or some similar terms, to be added to that deed, or to be agreed to, in substance, by the Turkish Government:—

1. As regards that part of the office to be established on Turkish territory, at or near the mouth of the Shat-el-Arab, which is required for the service of the submarine line:—The British Government to provide and maintain, at its own cost, the whole of the signalling and other staff, as well as the instruments and stores required for working the submarine line, and the Staff so employed to be solely under the orders of the British Superintendent.

2. All “through” despatches received at this office through the Turkish land lines, to be transferred at once by the Turkish to the British Superintendent, for transmission through the submarine, and *vice versa*.

3. For the satisfactory preparation of returns and adjustment of accounts between the two Governments concerned, it is proposed that a Traffic Manager, paid by the British Government, be stationed at Constantinople, and another at Bagdad or Bussorah, and such traffic managers at all times to have free access to the returns of through traffic in the Turkish office.

The accounts and money payments for transmission of through messages to be adjusted in accordance with the general terms of Memorandum attached (Annex No. 1); and periodical settlement to take place at intervals not exceeding six months.

4. The tariff to be permanently adopted, for the transmission of through messages over the Turkish lines east of Constantinople, to be regulated hereafter on the basis of the Brussels Convention of 1858.

5. But for the period during which the line may be worked under this Preliminary Convention a higher rate to be charged.

This, however, should not exceed—

20s. per message of twenty words between Constantinople and mouth of the Shat-el-Arab.

15s. ditto to Khanakeen.

14s. ditto to Bagdad.

6. The tariff to be permanently adopted on the submarine or other lines, the property of the Government of India, between the mouth of the Shat-el-Arab and Kurrachee, to be re-considered hereafter in preparing the later Convention. But neither during the preliminary nor the subsequent period is the tariff on this portion of the line to exceed—

50s. per message of 20 words between Kurrachee and mouth of the Shat-el-Arab.

45s. ditto between Kurrachee and Bushire.

7. During the continuance of this Preliminary Convention, the rules and regulations for the detailed working of the lines to be as nearly as practicable those of the Brussels Convention, at present adopted by the Porte in their relations with European telegraphic administrations.

But it appears to be the interest of both the Governments concerned that the following arrangements for the respective use of the two wires east of Constantinople should be agreed to (*vide* Annex No. 2). Also that an additional wire between Constantinople and Belgrade be provided by the Turkish Government, or that one of the existing wires be allotted exclusively to through traffic, on same general terms as “English” wire east of Constantinople.

November 16, 1863.

(Signed)

P. STEWART.

No. 1. Accounts.—It is proposed, with regard to the settlement of accounts for messages from England to India, or any point east of Constantinople, that Companies receiving or collecting such messages should, after retaining the proportion due to themselves, hand over to the continental Administrations (with whom they are in the habit of settling accounts) the continental rates, as far as Constantinople only, and that the balance, or the charge from Constantinople to the destination, be handed over to the Traffic Manager appointed by the Government of India in London, it being the province of that officer to prepare the accounts with the Ottoman and Persian Governments, deducting periodically the whole or part of sums to be recovered from those Governments on account of stores advanced to them, and to credit to the Government of India the amount due on account of the submarine or Persian Gulf line, or on account of the Government lines within the frontier of India.

For this measure the assent of the Ottoman Government will be required; and, in the document communicating such assent, it should be distinctly set forth that, for all messages originating in England, the Porte will look to the India Office for the proportion due on account of Turkish lines east of Constantinople. Copy of such document would have to be sent by the Submarine Telegraph Company to the French, Belgian, Danish, and Hanoverian Administrations, and by the Electric and International Telegraph Company to the Dutch Administration.*

Each Company will have to furnish a periodical return of Indian messages for which

* No possible objection on the part of these Administrations can be anticipated, as their interests are in no way whatever affected by the change.

they have received payment, and copies of these and similar returns must be interchanged periodically between the Government of India's Traffic Managers in London, Constantinople, and Kurrachee, with a view to affording a complete check on the returns for this, perhaps, the most important part of the through traffic passing towards India.

For messages originating in the continental offices, the amount due to each Administration, as far as Constantinople, to be adjusted by successive transfers, just as at present. The Turkish Government will receive, in this manner, the gross amount of payment for such messages, minus the deduction made by Western Administrations. That Government will retain the whole amount due to her for the extent of line between her western frontier on the one hand, and Khanakeen or mouth of Shat-el-Arab on the other; and, according to the proposals now made, she will hand over to the Traffic Manager at Constantinople (appointed by the Government of India), the remaining balance, including whatever may be due to Persia, as well as the larger proportion due to the Government of India.

As regards messages originating in India, and transmitted towards Europe, it is proposed that the Indian Telegraph Department should account (to the Traffic Manager already appointed for Kurrachee) for the whole amount realized in India on account of such messages, minus the proportion due for lines east of Kurrachee, which proportion will, of course, be retained by the Indian Department. The Traffic Manager at Kurrachee will divide the amount so received as follows:—

First.—Proportion due to Government of India for line from Kurrachee to Bushire or Bussorah to be retained.

Second.—Proportion due on account of Persian Government for messages transmitted *viâ* Teheran, to be credited to Persia, with periodical deductions on account of cost of stores supplied to that Government.

And Third.—The remaining balance, which will be credited to the Constantinople office, and paid through that office to the Turkish Government. The Turkish Government will thus receive the amount due (for such messages) to western Administrations, as well as to herself, and will adjust the former amounts by transfer, under the system at present existing.

Under the general arrangements thus proposed, the adjustment of accounts may be effected with great regularity, and the British Government will be enabled to recover with certainty the amounts advanced to Turkey and Persia.

No. 2.—*Draft of some Clauses proposed to form part of subsequent Convention.*

1. In the event of communication being interrupted upon the English line, the Porte to undertake that the Turkish line be given up for the through traffic until the English line is again in efficient working order.*

2. Should a contact at any time occur between the two wires,† so as to render it impossible to work both at the same time, or so as to cause delay to the Indian messages by attempting to do so, the Turkish wire to be insulated until the wires are freed from each other.

3. If a press of messages arise upon the English line, rendering delays unavoidable from their accumulation, the use of the Turkish line to be as much as an auxiliary means of transmission of the through traffic.‡

4. Should, at any time, a total break down of the English and Turkish lines occur, the terminal station on each side to despatch a special messenger every four hours, with copies of all messages on hand, to the terminal station on the other side of the break down, such special messenger to travel at a speed of not less than _____ miles an hour. As soon as telegraphic communication is restored, each station to ascertain the messages that have not, up to that time, been received by the other, and to transmit them according to priority. In such case, Clause 3 to come into especial operation.

5. In order to maintain the line in a thoroughly efficient state, linemen to be stationed upon its whole length, at a distance not exceeding _____ miles apart.

6. Each lineman to be furnished with the necessary tools, spare insulators, wire, &c., and to examine his section of _____ miles not less frequently than once every two days.

7. A head lineman to be placed over every _____ linemen, and to ride over his section not less than once a-week, and to be held strictly responsible for its thorough order.

* As the "through" traffic must always be much more important and remunerative than the "local" traffic it is clearly in the interest, both of the Turkish and British Governments, that this should be arranged.

† *Vide* above note

‡ This point also affects the interests of both Governments alike.

No. 84.

Mr. Hammond to Mr. Merivale.

Sir,

Foreign Office, December 3, 1863.

I AM directed by Earl Russell to acquaint you, for the information of Secretary Sir Charles Wood, that instructions will this day be sent to Her Majesty's Chargé d'Affaires at Constantinople respecting the telegraph to India, in accordance with the contents of your letter of yesterday's date; and I am to add that Lord Russell thinks it would be desirable that Mr. Courtenay should proceed at once to Constantinople, to assist Mr. Erskine in settling matters with the Porte.

I have, &c.
(Signed) E. HAMMOND.

No. 85.

Earl Russell to Mr. Erskine.

Sir,

Foreign Office, December 3, 1863.

I TRANSMIT, for your information and guidance, the accompanying copy of a letter from the India Office,* reporting that all the arrangements requisite in this country for extending the electric telegraph from Bagdad to India have now been completed, and that steps will immediately be taken for completing the submarine portions of the line, and making other necessary preparations for working it, but that before any satisfactory system of working can be established, there are certain preliminary arrangements to be made, and points to be settled with the Turkish Government, the particulars of which are contained in the accompanying printed Memorandum,† which has been prepared at the India Office, and I have to instruct you to endeavour to effect with the Turkish Government a temporary agreement upon the basis therein laid down.

I have informed the India Office that I consider it desirable that Mr. Courtenay, who has been selected for the office of traffic manager at Constantinople, should proceed there as soon as possible, in order to assist you in settling matters with the Porte.

I am, &c.
(Signed) RUSSELL.

No. 86.

Mr. Alison to Earl Russell.—(Received December 5.)

My Lord,

Tehran, November 3, 1863.

CAPTAIN CHAMPAIN, Director of the telegraph operations, arrived here on the 20th of October. On the same day a meeting was held at the Foreign Office, by the order of the King, of their Royal Highnesses Ferhad Mirza, the Itizad-oo-Sultaneh, their Excellencies Ferookh Khan, the Minister for Foreign Affairs, and myself, to decide whether the operations for fixing the posts before the arrival of the wire and the insulators, as pressed by Mr. Man, should be proceeded with. It was decided in the affirmative, and Mr. Man will go to Ispahan in a day or two for that purpose.

The day after the return of the King, from an absence of a fortnight, I presented Captain Champain, Mr. Man, and Mr. Walton, to His Majesty, who expressed a lively interest in the work committed to their charge.

Captain Champain left for Bushire yesterday, and the necessary orders are being issued for affording every facility for the prompt execution of the operations along the different parts of the line.

I have, &c.
(Signed) C. ALISON.

* No. 83.

† Inclosure in No. 83.

Mr. Erskine to Earl Russell.—(Received December 19.)

My Lord,

Constantinople, December 7, 1863.

I HAVE the honour to transmit to your Lordship herewith a translated copy of a Telegraphic Convention which has recently been concluded between the Sublime Porte and the Persian Government.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 87.

Treaty between the Sublime Porte and the Shah of Persia for the establishment of a Line of Telegraph.

ARTICLE I.

LE Gouvernement Persan promet d'étendre une de ses lignes télégraphiques jusqu'à un endroit situé sur les frontières Ottomanes, et de son côté le Gouvernement Ottoman s'engage d'établir un embranchement d'un endroit quelconque de sa ligne télégraphique entre Scutari et Bagdad jusqu'à l'endroit où la ligne télégraphique Persane serait porté.

ARTICLE II.

Il fut convenu entre les deux Parties Contractantes que l'endroit nommé Hankin sera fixé comme point de rencontre des deux lignes ; cependant, si plus tard il y a nécessité de faciliter et d'élargir les communications télégraphiques, elles pourront être réunies également sur d'autres points des frontières.

ARTICLE III.

Le Gouvernement Ottoman promet d'admettre et de faire passer sans difficulté les dépêches télégraphiques transmises du Royaume Persan ou bien d'un Etat qui est en communication télégraphique avec la Perse, en destination pour les Etats de Sa Majesté le Sultan, ou bien pour un Etat étranger qui est en communication télégraphique avec le Gouvernement Ottoman ; et il est de même convenu que le Gouvernement Persan admettra et fera passer sans difficulté les dépêches télégraphiques transmises de la Turquie ou bien d'un Etat qui est en communication télégraphique avec le Gouvernement Ottoman, en destination pour la Perse ou pour un Etat étranger qui est en communication télégraphique avec le Gouvernement Persan.

Les dépêches télégraphiques de la Perse dans les Etats Ottomans, et les dépêches télégraphiques des Etats Ottomans en Perse, participeront aux mêmes avantages et obligations que les dépêches intérieures respectives ou bien celles d'un autre Etat étranger.

ARTICLE IV.

Les deux Parties Contractantes s'engagent d'employer l'appareil Morse, employé actuellement en Europe, pour la transmission des dépêches télégraphiques qu'ils auront à échanger ; et de même en ajoutant la Convention de Bruxelles à ce Traité, elles établissent qu'elles se conformeront, en toutes choses, aux clauses de la susdite Convention pour ce qui regarde la transmission des dépêches télégraphiques.

ARTICLE V.

Les dépêches télégraphiques, qui seront échangées entre les deux Parties Contractantes, sont divisées en deux : 1, les dépêches Persanes et Ottomanes qui partent d'un des bureaux télégraphiques de l'un des susdits Gouvernements pour les Etats de l'autre ; et 2, les dépêches des Gouvernements étrangers qui passent par les Etats de l'une des Parties Contractantes en destination pour l'étranger.

ARTICLE VI.

La taxe à percevoir pour les dépêches de la première catégorie est fixée à 30 paras par *fersah*, ou bien à 20 paras par heure, en commençant de Hankin jusqu'à

l'endroit de leur destination. La taxe ainsi calculée ne concerne que les dépêches qui contiennent 20 mots ou moins que cela, tant dans l'Empire Ottoman qu'en Perse ; quant à celles qui contiennent plus de 20 mots, elles seront grévées de 10 piastres par chaque 10 mots ou même d'une fraction de 10 mots qu'elles contiennent.

ARTICLE VII.

Les dépêches télégraphiques de la seconde catégorie seront taxées d'après la Convention de Bruxelles annexée au présent Traité, seulement lorsque celles-ci passent par les domaines Asiatiques du Sultan et par les lignes Persanes, elles y seront taxées d'après le mode ci-dessus mentionné ; de sorte que la taxe des dépêches qui appartiennent à cette catégorie sera perçue dans le bureau établi à la frontière Persane en *sahib kerans* et en piastres, tandis que la taxe de ces dépêches dans les parties d'Europe jusqu'à l'endroit de leur destination sera perçue en francs, et ce mode de perception de taxes sera observé dans la transmission des dépêches télégraphiques des Etats Ottomans aux Indes Orientales.

ARTICLE VIII.

Les dépêches télégraphiques partant de l'Europe par les lignes télégraphiques Ottomanes, en destination pour les pays Asiatiques situés au-delà des domaines Persans, et celles transmises de ces pays au continent Européen, sont divisées en deux parties égales, dont l'une passera par les lignes de Hankin et de la Perse, et l'autre par Bagdad et Bussorah.

ARTICLE IX.

La correspondance télégraphique entre les Etats Ottomans et ceux de la Perse sera faite en langue Turque, Persane, Française, et Anglaise.

ARTICLE X.

Les employés du télégraphe, au service des deux Parties Contractantes, échangeront leurs comptes à la fin de chaque mois, et chaque semestre ils régleront définitivement leurs comptes d'après l'évaluation monétaire suivante :—

	Piastres.	Paras.
Sahib Keran	5	0
Toman	50	0
Franc	4	14
Abas	0	1

ARTICLE XI.

La présente Convention sera mise en exécution à l'expiration de quatre mois et plutôt si cela est possible, et elle sera en vigueur pendant dix ans depuis le jour d, l'échange des ratifications.

ARTICLE XII.

Cette Convention sera ratifiée par les deux Gouvernements et les ratifications seront échangées à Constantinople dans l'espace de trois mois depuis ce jour.

Constantinople, 17 Djemaziul-ahir, 1280 (le 28 Novembre, 1863).

Translation.

ARTICLE I.

THE Persian Government promises to extend one of its lines of telegraph to a spot situated on the Ottoman frontiers, and the Ottoman Government on its side engages to establish a branch from some point of its telegraphic line between Scutari and Bagdad to the spot where the Persian telegraphic line shall be carried.

ARTICLE II.

It was agreed upon by the two Contracting Parties, that the place called Hankin should be fixed upon as the point where the two telegraphic lines should meet ; however, if it should become necessary later to facilitate or increase the telegraphic communications they can still be made to meet on other points of the frontiers.

ARTICLE III.

The Ottoman Government promises to allow and transmit without hindrance telegraphic despatches transmitted from the Persian Empire or from a State which is in telegraphic communication with Persia, addressed to the States of His Majesty the Sultan, or to some foreign State which is in telegraphic communication with the Ottoman Government; and it is likewise agreed that the Persian Government will admit and transmit without hindrance telegraphic despatches transmitted from Turkey, or from a State which is in telegraphic communication with the Ottoman Government, addressed to Persia, or to some foreign State which is in telegraphic communication with the Persian Government.

The telegraphic despatches of Persia in the Ottoman States, and despatches of the Ottoman States in Persia, shall share the same advantages and obligations as their respective home despatches or those of another foreign State.

ARTICLE IV.

The two Contracting Parties engage to employ the Morse apparatus, actually employed in Europe, for the transmission of the telegraphic despatches which they will have to transmit, and likewise in joining the Convention of Brussels to this Treaty, they establish that they will conform in all things to the clauses of the aforesaid Convention as regards the transmission of telegraphic despatches.

ARTICLE V.

The telegraphic despatches, which shall be exchanged between the two Contracting Parties, are divided into two classes: 1, Persian and Ottoman despatches, which are sent from one of the telegraph offices of one of the afore-mentioned Governments addressed to the States of the other; and 2, the despatches of foreign Governments which pass through the States of one of the Contracting Parties to a foreign destination.

ARTICLE VI.

The charge for despatches of the first category is fixed at 30 paras a *fersah*, or 20 paras an hour, beginning from Hankin to their destination. This charge so calculated only affects despatches which contain 20 words or less than that, equally in the Ottoman Empire as in Persia; as to those containing more than 20 words, they will be charged 10 piasters for every 10 words or even fraction of 10 words which they consist of.

ARTICLE VII.

Telegraphic despatches of the second category will be charged according to the Convention of Brussels annexed to the present Treaty, only when they pass through the Asiatic dominions of the Sultan and by the Persian Lines, they will be charged in the aforesaid manner; so that the charge on despatches which belong to this category will be made at the office established on the Persian frontier in *sahib kerans* and in piasters, while the charge of these despatches in the parts of Europe to their destination shall be made in francs, and this system of charge shall be observed in the transmission of telegraphic despatches from the Ottoman dominions to the East Indies.

ARTICLE VIII.

The telegraphic despatches leaving Europe by the Ottoman telegraph lines addressed to countries of Asia situated beyond the Persian dominions, and those transmitted from these countries to the European Continent, are divided into two equal parts, of which one shall pass by the lines of Hankin and Persia, and the other by Bagdad and Bussorah.

ARTICLE IX.

The telegraphic correspondence between the Ottoman States and those of Persia shall be conducted in the Turkish, Persian, French, and English languages.

ARTICLE X.

The telegraph officials in the employ of the two Contracting Parties, shall verify their accounts at the end of every month, and every six months they will definitely settle their accounts according to the following rate of exchange :—

	Piastres.	Paras.
Sahib Keran	5	0
Toman	50	0
Franc	4	14
Abas	1	0

ARTICLE XI.

The present Convention shall be put into operation at the end of four months, and sooner if it be possible, and it shall continue in force for ten years from the day of the exchange of ratifications.

ARTICLE XII.

This Convention shall be ratified by the two Governments, and the ratifications shall be exchanged at Constantinople in the space of three months from this day.

Constantinople, 17 Djemaziul-ahir 1280 (November 28, 1863).

No. 88.

Mr. Erskine to Earl Russell.—(Received December 19.)

My Lord,

Constantinople, December 9, 1863.

IN accordance with the instruction contained in your Lordship's despatch to Sir Henry Bulwer of the 5th ultimo, I have proposed to the Porte that messages should be left to be forwarded indifferently by either of the lines of telegraph which are being constructed between Bagdad and Bussorah and Bagdad and Khanakeen.

The Porte having consented to modify the arrangement already made, in the sense suggested by the India Office, I have, with the assent of Aali Pasha drawn up an Additional Article to the Protocol of the 20th of October, embodying the proposal of a mean rate of payment for the two lines, which was signed by Aali Pasha and myself this day, and is transmitted to your Lordship herewith in original.

As the Protocol was already executed when your Lordship's despatch reached Constantinople, I have not thought it advisable to propose to the Porte any modification of Article 3, but I have informed Aali Pasha that all communications between the Turkish authorities and the British engineers, who are to superintend the construction of the lines should be made through Her Majesty's Consul-General at Bagdad, a course to which his Highness was quite ready to assent.

I have, &c.
(Signed) E. M. ERSKINE.

No. 89.

Mr. Erskine to Earl Russell.—(Received December 19.)

My Lord,

Constantinople, December 10, 1863.

I HAVE the honour to transmit herewith a copy of a despatch from Colonel Kemball, Her Majesty's Consul-General at Bagdad, reporting on the present condition of the works for the intended line of telegraph to Bussorah.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 89.

Consul-General Kemball to Sir H. Bulwer.

Sir,

Bagdad, November 18, 1863.

I HAD the honour to receive yesterday the Honourable Mr. Erskine's despatch of 20th ultimo, transmitting copy of the Protocol relating to the construction and working of the proposed lines of telegraph from Bagdad to Bussorah and Khanakeen.

By my telegram, dated 7th instant, your Excellency will have learnt, that in anticipation of the orders now received, arrangements had been concluded between his Excellency Namik Pasha and myself for undertaking immediately the works on the Bussorah Line. Accordingly, the supplementary distribution of materials has been effected at different points along the first section to Billeh, and its construction has been commenced by Mr. Inspector of Telegraphs, Joyce Perceval, Indian Service, with whom is associated Yuz-Bashee Omer Feizee Effendi. Mr. Carthew is engaged in carrying the wires across this river and beyond the limits of the town, which particular duty will be entrusted to him to all the stations where masts or wooden poles must of necessity be substituted for iron and it is my intention presently to depute my Telegraph Assistant, Mr. Greener, at Bussorah, to meet the non-commissioned officer, Royal Engineers, who may be expected to arrive there about the 25th instant, and to superintend the construction of the sections north and south of that place. In the meantime, the distribution of stores at the intermediate stations between Medineh and Hilleh will, I hope, be effected; and so soon as the working parties are ready at either end to undertake the intervening sections, where alone any serious difficulties may be apprehended, I purpose myself to proceed to that quarter, accompanied by Samee Effendi, the officer appointed to the charge of the Turkish Department.

With the exception of a small remnant daily expected from Bussorah per steamer, the materials assigned for the use of the Persian line have been deposited at Khanakeen; and those required for the construction of the Bagdad Khanakeen section are already stored at Bagdad.

I have, &c.

(Signed) A. R. KEMBALL.

No. 90.

Mr. Hammond to Mr. Merivale.

Sir,

Foreign Office, December 22, 1863.

WITH reference to your letter of the 2nd of November last, on the subject of the Bagdad and Bussorah Telegraph, I am directed by Earl Russell to transmit to you to be laid before Secretary Sir Charles Wood, the accompanying copy of a despatch from Her Majesty's Chargé d'Affaires at Constantinople,* inclosing an Additional Article to the Protocol of the 20th of October, signed by Aali Pasha and himself, embodying the suggestions contained in your before-mentioned letter.

I am, &c.

(Signed) E. HAMMOND.

No. 91.

Mr. Hammond to Mr. Merivale.

Sir,

Foreign Office, December 22, 1863.

I AM directed by Earl Russell to transmit to you for the information of Sir Charles Wood, the accompanying copy of a despatch and of its inclosure from Her Majesty's Chargé d'Affaires at Constantinople,† containing information respecting the Bagdad and Bussorah Telegraph.

I am, &c.

(Signed) E. HAMMOND.

* No. 88.

† No. 89.

No. 92.

Mr. Hammond to Mr. Merivale.

Sir,

Foreign Office, December 24, 1863.

I AM directed by Earl Russell to transmit to you, for the information of Secretary Sir Charles Wood, a copy of a despatch from Her Majesty's Chargé d'Affaires at Constantinople,* inclosing a translation of a Telegraphic Convention between Turkey and Persia.

I am, &c.
(Signed) E. HAMMOND.

* No. 87.

PERSIA.

CORRESPONDENCE respecting the Construction of a
Telegraph Line through Persia.

*Presented to the House of Commons by Command of
Her Majesty, in pursuance of their Address dated
February 15, 1864.*

371

CAPTAIN WOLFE DE CARVEL.

RETURN to an Address of the Honourable The House of Commons,
dated 10 May 1864;—for,

“COPY of CORRESPONDENCE between the British Officials in *Peru* and the
Foreign Office, and of either of them, with the Peruvian Authorities,
respecting Captain *Wolfe de Carvel*.”

(*Captain Jervis.*)

Ordered, by The House of Commons, to be Printed,
20 June 1864.

C O N T E N T S.

			PAGE
1	Mr. Jerningham to the Right Hon. Lord John Russell - -	28 Mar. 1861	3
2	Ditto - - - ditto - - - -	28 Mar. "	14
3	Ditto - - - ditto - - - -	29 April "	14
4	Ditto - - - ditto - - - -	29 April "	15
5	Ditto - - - ditto - - - -	13 May "	20
6	Ditto - - - ditto - - - -	28 May "	26
7	Ditto - - - ditto - - - -	11 June "	33
8	Ditto - - - ditto (Extract) - - -	28 June "	39
9	Ditto - - - ditto (Extract) - - -	12 July "	41
10	The Right Hon. Lord John Russell to Mr. Jerningham - -	31 July "	42
11	Mr. Barton to the Right Hon. Lord John Russell (Extract) -	14 Aug. "	42
12	Mr. Barton to the Right Hon. Lord John Russell - - -	29 Aug. "	46
13	Ditto - - - ditto - - - -	29 Aug. "	47
14	Ditto - - - ditto - - - -	29 Aug. "	48
15	Mr. Barton to the Right Hon. Earl Russell - - - -	2 Sept. "	50
16	Ditto - - - ditto (Extract) - - - -	14 Sept. "	51
17	The Right Hon. Earl Russell to Mr. Barton - - - -	16 Oct. "	53
18	Ditto - - - ditto - - - -	13 Nov. "	54
19	Mr. Barton to the Right Hon. Earl Russell - - - -	14 Nov. "	54
20	Ditto - - - ditto - - - -	29 Nov. "	56
21	Ditto - - - ditto - - - -	14 Jan. 1862	61
22	The Right Hon. Earl Russell to Mr. Barton (Extract) - -	16 Jan. "	63
23	Mr. Barton to the Right Hon. Earl Russell - - - -	27 Jan. "	64
24	Ditto - - - ditto - - - -	12 Mar. "	65
25	The Right Hon. Earl Russell to Mr. Barton - - - -	30 May "	70
26	Mr. Barton to the Right Hon. Earl Russell - - - -	10 July "	70
27	Ditto - - - ditto - - - -	11 Aug. "	73
28	Ditto - - - ditto - - - -	29 Aug. "	75
29	Ditto - - - ditto - - - -	24 Sept. "	78
30	Ditto - - - ditto - - - -	29 Sept. "	79
31	The Right Hon. Earl Russell to Mr. Barton - - - -	29 Sept. "	79
32	Mr. Barton to the Right Hon. Earl Russell - - - -	8 Oct. "	80
33	Ditto - - - ditto - - - -	12 Nov. "	81
34	Ditto - - - ditto - - - -	29 Nov. "	82
35	Mr. Jerningham to the Right Hon. Earl Russell - - -	28 Jan. 1863	82
36	Ditto - - - ditto - - - -	7 Feb. "	83
37	The Right Hon. Earl Russell to Mr. Jerningham - - -	8 Sept. "	84
38	To MESSRS. Dawes - - - -	7 Sept. "	85

COPY of CORRESPONDENCE between the British Officials in *Peru* and the Foreign Office, and of either of them, with the Peruvian Authorities, respecting Captain *Henry de Wolfe Carvell*.

— No. 1. —

(No. 12.)

Mr. Jerningham to the Right Hon. Lord John Russell.

My Lord,

Lima, 28 March 1861.

IN the month of February last, Captain Henry de Wolfe Carvell, son-in-law of the late Michael Winder, of Bayswater-terrace, London, presented himself at Her Majesty's Legation, accompanied by the manager of the British firm of Graham Rowe of this city, and informed me that he had come out to Lima as executor of the will of the above Michael Winder, who died domiciled in England, and which will had been made according to English law, and was proved in Doctors' Commons.

He told me that a great deal of Mr. Winder's property, real and personal, existed in Peru, and that what he wished was to attach that which came under the British law, so as to be able to make the distribution of the various portions to the members of the family, as had been allotted to each by the testator.

Part of the personal property existing in Peru, belonging to the late Mr. Michael Winder, he gave me to understand was in the hands of Messieurs Graham Rowe, and he and Mr. Pike, the manager of that house, said they were desirous of placing it under the protection of the British flag (which was done afterwards by my consent); but the rest, far the largest part, these gentlemen informed me, was to be accounted for by Mr. Michael Winder's natural son, who had been left by his father in Lima, jointly with another, I believe, to take care of the business of his parent.

This property Mr. Carvell assured me was in danger; for he had heard that there was an intention on the part of the illegitimate son, Manuel Winder, to destroy the books, and not account for the bonds and bales that were supposed to be in his hands. He said therefore, in order to prevent this, that he wished me to apply to the Peruvian Government to cause the legal authorities to embargo this above-mentioned property, and thus secure it from destruction, and to stop payment of the interest upon the bonds if presented, the numbers of which he should give into the "Consulado" of the State.

As this appeared a matter of moment, and as Mr. Carvell informed me that, if he had any difficulty in the execution of his task as executor, Her Britannic Majesty's Attorney General had told him to come to me, I forthwith conducted Mr. Carvell to the Peruvian Foreign Office, where unfortunately we did not meet with his Excellency the Minister for Foreign Affairs; but we saw, however, the "official Mayor," to whom we explained the matter, and we asked him to take cognizance of it immediately, for the security of the personal property in peril; to cause it to be embargoed, and that the payment of interest on the bonds alluded to should be stopped.

This gentleman, in the absence of Señor Melgar (who was suffering, having lost his daughter) told us that upon my writing to the Foreign Department a note on the subject, that he would see a judge, and attend to the business. Upon returning home, I immediately wrote a note to Señor Melgar on the matter, requesting the Peruvian Government to act in the way above described.

This note was sent that evening to the Peruvian Foreign Office; and had immediate steps been taken effectually by the Peruvian Executive, or judicial authorities, it is more than probable that what occurred subsequently would not have happened.

However, of what steps were really taken, I have not been officially informed, because as yet I have not received any written answer to my first note; but they could not have been very effective, because Mr. Manuel Winder, the person in question, possibly finding out what was intended, appears to have caused the property alluded to, which he had to account for, to disappear, (whether by placing it in other persons hands is immaterial), for when application was made at his office by Mr. Carvell, there was only found five thousand dollars in the chest, and he himself had absconded.

Captain Carvell then went and endeavoured to get him arrested; but he informed me he had the greatest difficulty thrown in his way by the authorities.

When Señor Melgar was again visible, I went to his Excellency, and related what had taken place, and requested him to stimulate the judicial authorities in getting this Manuel Winder taken up, and at the same time to cause the bonds that were the property of the late Michael Winder to be stopped, when presented for payment of interest.

His Excellency appeared willing to attend to my requests, and said he would issue a circular, or cause one to be sent to the judicial authorities.

Such was my impression when I left Señor Melgar; and I believe some move was made by his Excellency, as instructions were sent to the Peruvian consul at Panama to endeavour to stop Manuel Winder, should he pass through that place.

However, in the meantime Captain Carvell informed me that nothing really appeared to be done, although orders had been given for the arrest of Winder; but one day when he went to the chief of police at Lima, Colonel Baquero, this official informed him that a counter order had been given not to take Mr. Manuel Winder, adding that this probably had been effected by Mr. Manuel Winder's friends.

About this time the widow of the late Michael Winder, who is a Peruvian-born lady, and who returned to Lima from England, three years ago, applied to a judge, Gamboa, to induce the courts to ordain that the personal property of her late husband should be put in deposit at the House of Zaracondegue, of Lima; that means should be taken to declare null and void the will of the testator; that the legitimate son of her late husband, not of age, should be taken from under the guardianship of Captain Carvell, and placed under her care; and also to cause Mr. Carvell to be "arraigado," that is, bound to remain in the city of Lima, unless he should present a person approved of by the court to act as his "apoderado."

This latter application seems to have been agreed to, and Mr. Carvell has been notified to that effect.

Upon hearing this, I immediately went to M. Melgar (for Captain Carvell has shown me the will and the probate), and I mentioned the matter warmly to his Excellency, and told him that Captain Carvell protested against this proceeding, and that I protested also against their authorities placing in a sort of way under arrest a person executor of the will of a British subject; that Mr. Carvell had legal duties to perform with reference to that instrument, and that this was an undue restriction upon the liberty to which he was entitled as executor of Winder's will.

This may all be very legal with respect to executors under Peruvian law; but Captain Carvell repudiates all jurisdiction of the Peruvian Courts with respect to the administration of the personal property which Mr. Winder left in Peru, and such being the case (I trust I may not have done wrong), I protested against his being "arraigado," and asked for the removal of this restriction.

Señor Melgar answered that he must inform himself on the matter, and inquire whether Captain Carvell had not offended against the laws of this country; in fact, when I again pressed him about getting the arrest annulled, he said he would see about it.

More than eight days have elapsed, and Captain Carvell tells me that he is still in the same position, "arraigado," and that he will not name or present a representative, as he will not acknowledge the jurisdiction of the Peruvian Courts. He also assures me that nothing is being really done by the authorities in forwarding the objects for which he came to this country.

He has presented the matter to a judge, in order that it may be examined and seen, so that its validity may be apparent. I believe the judge (Olivares) was deputed by Government for that purpose.

As Mr. Carvell has addressed Her Majesty's Attorney General on the subject of his mission here, I will merely add that I am most desirous to be honoured with your Lordship's instructions as to the course I must take; but having been applied to by Captain Carvell to endeavour to rescue the property of a British subject in Peru according to an English will, I had no other alternative better than to apply directly to the Peruvian Government to forward the purposes of Captain Carvell's mission here.

At first they seemed to be inclined to listen to these requests; but since Mrs. Winder has begun a lawsuit, I find that the Government wish to back out, and have actually referred Captain Carvell (his various complaints being sent into his Excellency the Minister for Foreign Affairs) to the law courts of this country for redress.

I beg to enclose copies of my notes to Señor Melgar, and of those of Captain Carvell, and his Excellency Señor Melgar to me upon this subject.

I have, &c.
(signed) *Wm. Stafford Jerningham.*

The Right Hon. Lord John Russell,
&c. &c. &c.

No. 1.
Mr Jerningham to
Senor Melgar.
Nos. 1 to 5.

No. 2.
Mr. Carvell to
Mr. Jerningham.
Nos. 1 to 12.

No. 3.
Senor Melgar to
Mr Jerningham.

Enclosure 1, in No. 1.

(1.)

Lima, 23 February 1861.

THE undersigned, &c., has the honour to enclose a copy of a note which he has received from Captain H. de Wolfe Carvell, a British subject, who has recently arrived in Lima with the will of the late Mr. Michael Winder, British subject, who died in the last year in London, and has, amongst other property, left a considerable amount in Peru.

As Captain Carvell is one of the principal executors of the will, and responsible to the courts of law in England for its faithful execution, he is placed under the necessity of having recourse to my aid, because he has heard that part of the estate in Peru is in danger.

He says that there is in the possession of Manuel Winder (an illegitimate son of the late Mr. Winder above-mentioned), residing at 168, Calle de Valladolid, the amount of 395,500 dollars in bonds of consolidation and manumission, together with ledger books and papers, all of which belong to the estate of the late Michael Winder, of No. 2, Bayswater-terrace, London, and which amount, as also ledger books, papers, &c., belonging to the estate, are in danger of being made away with or destroyed; and, therefore, the undersigned, at the request of Captain Carvell, as executor, begs to request the Peruvian Government to take such efficacious means as lay at their disposal to secure the above-mentioned amount of property from being made away with, by causing the Peruvian legal authority to embargo it directly without loss of time.

The will of Mr. Winder has been proved in Doctors' Commons, in London, and the law courts of Great Britain will insist upon it being carried out strictly to the letter; therefore, to save any ulterior difficulty, it is indispensable that the Government of Peru should take active measures to prevent the danger to which the undersigned has alluded above.

His Excellency
Don José Fabio Melgar,
&c. &c. &c.

The Undersigned, &c.
(signed) *Wm. Stafford Jerningham.*

(2.)

Lima, 20 March 1861.

THE undersigned, &c., has the honour to enclose copy of a letter received from Captain Henry de Wolfe Carvell, as executor of the will of the late Michael Winder, a British subject, who died at his residence, Bayswater-terrace, London.

Captain Carvell complains that he has received a notification to consider himself under arrest by the judicial order of Judge Gamboa. He inquired the reason of this proceeding, but at the moment of writing his letter he had not obtained, it would appear, any.

It appears, however, that the widow of the late Michael Winder had made an application to one of the judges of the Court of Primera Instancia to take possession of her late husband's estate, &c., and also to declare null and void the will of the testator, her late husband, at the same time asking that Captain Carvell might be confined to this city.

Judge Gamboa signed this order.

Captain Carvell protests against the authority of Judge Gamboa, and denies his competency and jurisdiction to deal in the matter of the will of Michael Winder, which was

legally made in England, and proved in the Court of Probate at Westminster, from which Court Captain Carvell has received letters of administration as a lawful executor of this will.

Under these circumstances Captain Carvell has invoked me to demand from the Peruvian Government the restoration of his personal liberty at once, which the undersigned feels sure will not be denied; but if so, then the responsibility will rest upon the Peruvian authorities.

The undersigned, at the request of Captain Carvell, feels it his duty to demand of the Peruvian Government the fullest explanation of the above proceedings complained of in the enclosed letter.

His Excellency
Don José Fabio Melgar,
&c. &c. &c.

The Undersigned, &c.
(signed) *Wm. Stafford Jerningham.*

(3.)

Lima, 20 March 1861.

THE undersigned, &c., has the honour to forward to his Excellency Don José Fabio Melgar, &c., copy of a letter which he has recently received from Captain Carvell, British subject, and executor of the will of the late Michael Winder, of Bayswater-terrace, London, England, and to which the undersigned begs respectfully to draw his Excellency's attention, and to have the kindness to cause such explanations as are therein requested to be given without delay.

His Excellency
Don José Fabio Melgar,
&c. &c. &c.

The Undersigned, &c.
(signed) *Wm. Stafford Jerningham.*

(4.)

Lima, 23 March 1861.

HER Britannic Majesty's Chargé d'Affaires and Consul General has the honour to forward to his Excellency Don José Fabio Melgar, in order to be submitted to the Peruvian Government according to the wish of Captain Carvell, copy of a protest which he has drawn up as executor to the estate of the late Michael Winder, and to which the undersigned begs to direct his Excellency's attention and that of the Government of which he is a member.

His Excellency
Don José Fabio Melgar,
&c. &c. &c.

The Undersigned, &c.
(signed) *Wm. Stafford Jerningham.*

(5.)

Lima, 27 March 1861.

THE undersigned has the honour to forward to his Excellency Don José Fabio Melgar copy of a note which he has received from Captain Carvell, and to which he begs to draw his Excellency's attention, and to kindly request to be informed what measures have been taken according to promise to prevent the payment of interest on the stolen bonds, the property of the late Michael Winder, and what those measures are; and the undersigned wishes also to receive a notification of what has been done, as the term approaches (1st April) for the payment of interest on the bonds.

The undersigned likewise has to inform his Excellency that he has not as yet received any answer to his note of 23d February last, copy of which he intends to forward to Her Britannic Majesty's Government by the next mail.

His Excellency
Don José Fabio Melgar,
&c. &c. &c.

The Undersigned, &c.
(signed) *Wm. Stafford Jerningham.*

Enclosure 2, in No. 1.

(1.)

Lima, 22 February 1861.

Sir,
THERE is in the possession of Manuel Winder, residing at No. 168, "Calle de Valladolid," the amount of three hundred and ninety-five thousand and five hundred dollars (\$395,500) in bonds of consolidation and manumission, together with ledger books, papers, &c., all of which belong to the estate of the late Michael Winder, of No. 2, Bayswater-terrace, London, and which amount, as also ledger books, papers, &c., belonging to the estate, are in immediate

immediate danger of being made away with or destroyed; and I have the honour to request you will be pleased, in your official capacity, to take prompt measures to secure the above property belonging to the estate of the above-named Michael Winder, a British subject, recently deceased, and of whose last will and testament I am the duly sworn and legal executor.

The Hon. Wm. Stafford Jerminham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

(2.)

Sir,

Morin's Hotel, Lima, 26 February 1861.

I HAVE the honour to state, for your information, that as yet no steps seem to have been taken by the Peruvian Government to secure the property belonging to the estate of the late Michael Winder, notwithstanding the promise made to you, and the official letter you sent to the Minister of Foreign Affairs, and, as I expected, the consequences are, that the person in whose hands the property was has absconded, leaving only the amount of five thousand eight hundred dollars (\$5,800), instead of three hundred and ninety-five thousand five hundred dollars (\$395,500), making the large deficiency of \$389,700; also a sum in cash of about sixty thousand dollars (\$60,000).

The deficiency of the \$389,700 being in consolidated bonds of the internal debt of Peru.

I beg further to state, that on Saturday morning, as I knew the danger to be imminent, and saw that nothing seemed to have been done, I called at the Foreign Office, and saw Señor Ezeta, who assured me I need not be under any apprehension whatever as to the safety and security of the property, it being now in the hands of the Government, and that the Peruvian Government had received an official letter from you, as Her Britannic Majesty's representative, on the subject, showed me a copy of the letter, and assured me all was perfectly safe as to the property. Saturday passed, and nothing was done. Sunday evening the man was missing; on Monday (yesterday), it was noised abroad that he had fled; I immediately proceeded to the Foreign Office, and gave the information, the more so on account of the assurance they had given for the safety of the property, &c. Señor Ezeta was reported as sick. An official told me, that steps had been taken to prevent the person who had committed the robbery from leaving the country. Señor Melgar, the Minister of Foreign Affairs, was in his bureau, and the official, after consulting with him for a few minutes, brought me word that the Minister had at length concluded that he would not have anything to do with it.

Thus were the assurances of the Peruvian Government summarily withdrawn, and I was advised to apply for a writ to arrest the man, and although I had a lawyer with me, and a clerk from the Peruvian Foreign Office, who came with me as a friend, as well as two English gentlemen, resident in Peru, I could not obtain a warrant, nor any document for his apprehension.

I was advised to place myself in communication with the Intendant of Police, which I did at once, but was received rudely and ungraciously by him; I informed him of the robbery, and of the necessity of at once securing the man who had committed it. He folded his arms on his chest, shrugged his shoulders, and said he would not do anything; that he felt more inclined for his dinner than anything else, and that the ordinary courts of law were open to me. On my observing that I much regretted that no prompt measures were taken for the apprehension of the man, and that I had always supposed that in all countries, and under such circumstances, the laws would secure the robber at once, and that I knew it to be the case in my own; he in reply said, those were common occurrences, and jauntily observed, that I was in Peru. After much persuasion, he sent a message to Callao, to prevent his embarkation at that port, which was all he would do.

Another phase of the question is, that the widow, advised by her lawyers, wishes to annul the will of the testator, Mr. Winder, and bring his personal property under the laws of Peru, whereby she would be entitled to one-half of the property absolutely, and she has taken steps to that effect; and some of the legal authorities with whom I have been in official contact speak lightly, even contemptuously, of the power of Great Britain touching the property of one of her subjects in Peru, and that the decision of her courts are null and void; and as they spoke to the lawyer of Mrs. Winder of placing an "embargo" on the property, on this also Señor Ezeta, in the name of the Government, said, that as the property was that of a British subject, that any proceedings taken by the lawyers or courts of Peru would be stopped, and pronounced null by the Peruvian Government, as it was a diplomatic and not a judicial matter, he having received an official letter on the subject from the British Minister in Peru.

In conclusion, I have to complain of the utter want of any legal assistance afforded me, also that the promises made in consequence of your energetic interference have not been complied with, and, in compliance with my instructions from Her Majesty's Court of Probate, as well as by advice from Sir Richard Bethell, the Attorney General of Her Majesty's Government, I placed the matter in your hands on Friday last, the 22d instant, and as a British subject I have to claim your energetic interference with the Peruvian Government, that their assurances be made good, and they may not be allowed to trifle with the laws of

Great Britain and the decisions of her courts, as to the personal property of their subjects' and their competent authority to dispose of the same; and as they have failed to secure the property according to promise, that they may be made responsible for the same, and that they are (*i. e.*), the Government of Peru, may be taught, that having come some 6,000 miles by the authority of the Courts of Great Britain to take possession of the property of a British subject, and moreover an Englishman, that I have not come in vain, nor to see the laws and power of my country set at naught.

In conclusion, I beg to offer you my thanks for the promptitude with which you responded to my application, and to submit this letter for your further consideration, that you take such measures as may seem advisable to you and the circumstances may demand.

With the request that, unless immediate explanation and satisfaction be afforded by the Peruvian Government, the matter may be at once referred to England, to Her Majesty's Secretary of State for Foreign Affairs,

I have, &c.
(signed) *Henry de Wolfe Carvell.*

To the Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

(3.)

Sir,

Lima, 14 March 1861.

I HAVE the honour to state, for your information, that as yet the Peruvian Government, and the judicial authorities thereof, seem to have done little (if anything) so far as I am in a position to judge, either to procure the property in possession of Manuel Winder, and belonging to the estate of the late Michael Winder, Esq., of London, or to apprehend and take in custody the said Manuel Winder, who disappeared under circumstances of which you are already cognisant, as detailed by me to you at personal interviews, and more particularly by my letter of the 26th of February ultimo; and although you informed me when I met you at the Foreign Office on or about the 27th ultimo, immediately after your interview with Señor Melgar, "the Minister of Foreign Affairs," that he has given assurances that he would give orders at once to a judge to take immediate steps in the affair (and I have been informed did pass an order to that effect to the judicial authorities, in consequence of which, orders were issued for the apprehension of Manuel Winder, wherever found), yet from that to this nothing seems to me to have been done, nor any interest taken, nor exertions made to apprehend the culprit, or rescue the property, or any portion of it from his grasp, or from his accomplices.

I was informed to-day that the Intendente of Police, Baquero, that he had received instructions not to arrest Winder, and which instructions he had received a day or two before; and on demanding how this could possibly be, informed me that Winder's friends had been able to effect it. I much regret to say that there seems but little inclination on the part of the legal authorities and police to render assistance, or employ the powers vested in them, but rather to obstruct the cause of justice (with, I am pleased to say, a very few honourable exceptions).

Occasionally some papers are sent to me for signature, but all seems endless and hollow form; and I am induced to believe no real intention exists on the part of the authorities here to render the assistance and justice which are promptly and imperatively necessary in this important case.

And I have to urgently request you will be pleased to demand from the Peruvian Government what has been done, or is being done in the matter; and if the original order for the arrest of the said Winder has been revoked, by whom, and on what authority; and that you will bring to the notice of the Peruvian Government the promises made and guarantees given when this matter was first brought officially before them in your letter to the Minister of Foreign Affairs, bearing date 22d February ultimo, a copy of which is before me, and neither the letter or spirit of which has been complied with. Señor Ezeta, of the Foreign Office, informed me that they had set the whole machinery of the law in motion for the apprehension of Winder, and Señor Melgar signed an order directing the Consul for Peru at Panama to use every endeavour to arrest him should he pass that way.

Under these circumstances, how the Intendente of Police can have received an order not to arrest him, I beg leave most respectfully to inquire.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

To the Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

(4.)

Sir,

Lima, 15 March 1861.

I HAVE the honour to report for your information, that yesterday (14th inst.) I was notified by a judicial order that I must consider myself under arrest, that I could go about, but not quit the city of Lima. I inquired wherefore and on what grounds my personal liberty had been taken from me, and wherein I had offended, but could not obtain any reason for this proceeding.

I protested against any interference with my personal liberty, as I was a British subject, and had not offended against the laws of this country, so far as I am aware. I wished to go on board the steamer yesterday, to see some friends who were starting for England, but was not permitted to do so.

This decision seems to have emanated from Señor Gamboa, one of the judges of the Court of "Primera Instancia," and at the solicitation of the widow of the late Michael Winder, who in her application asks to take possession of the estate for the benefit of herself and her son, to take the said son from under my guardianship, ignoring me as executor and guardian, and to declare null and void the will of the testator, and asking that I may be confined to this city—her application containing five or six pages of matter, being a well-woven tissue of misconstruction of facts.

The Judge Gamboa, in his judicial capacity, signed an order, with which I was formally served yesterday, and for which I refer to the "Comercio" of this day's date, in which it appears I am "*arraigo*" until I can find some one to answer for me whom they may choose to accept.

I have produced to you the probate of the will of the late Michael Winder, and letters of administration granted to me by Her Majesty's Court of Probate at Westminster, and which you have been pleased to acknowledge as genuine. And I do hereby, as duly qualified and legally constituted executor therein named and appointed by the said Court, protest against the authority of the Judge Gamboa, and deny his competency and jurisdiction to deal in this matter.

Under those circumstances, Sir, I invoke the power vested in you as Her Britannic Majesty's representative in this capital, to immediately demand from the Peruvian Government that my personal liberty be at once and unconditionally restored (reserving to myself power to demand such satisfaction hereafter I may deem advisable), and that they are incurring a grave and heavy responsibility for every hour that I am deprived of my personal liberty, unwarrantably, unlawfully, and unjustly; and that you will be pleased to demand the fullest explanation from the Peruvian Government as to the violation of my liberty and rights as a British subject.

I have to request you will be pleased, at your earliest convenience, to acknowledge the receipt of this communication.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

The Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

(5.)

Sir,

Lima, 16 March 1861.

WITH reference to my letter of yesterday's date, I have the honour to request you will be pleased to make a formal protest to the Peruvian Government against the jurisdiction of the Courts of Peru, relative to the will of the late Michael Winder, Esq., of Bayswater-terrace, London.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

To the Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

(6.)

Sir,

Lima, 21 March 1861.

As executor to the estate of the late Michael Winder, legally constituted, duly sworn and appointed by Her Majesty's Court of Probate of Westminster:

I do hereby protest against the jurisdiction of the Courts of Peru, touching the personal property of the said Michael Winder (deceased), and against any authority in this country which may take upon itself to annul or revoke the will of the testator aforesaid, or any portion of it, relative to his personal property, or that may take from under my guardianship the son of the testator, being duly and lawfully appointed his guardian, and against any authority that has pronounced, or may pronounce, as null and void the decisions of Her Majesty's Courts.

I, at the same time, appeal to the authorities here for the needful assistance to enable me to discharge my duties as executor, and which I have vainly endeavoured to obtain since my arrival in this city.

I have to request you will be pleased to submit this protest to the Peruvian Government at your earliest convenience.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

To the Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

(7.)

Sir,

Lima, 21 March 1861.

I HAVE the honour to acknowledge the receipt of your communication of yesterday's date, and, with reference to that portion of it alluding to my letter of the 16th instant, beg herewith to enclose my protest against the proceedings of the Peruvian authorities in this city, relative to the will of the late Michael Winder, and to formally complain of the want of any assistance afforded by the Government or legal authorities in carrying out my duty as executor.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

To the Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

(8.)

Sir,

Lima, 23 March 1861.

I HAVE the honour to inform you that, with reference to my letter of the 15th instant, and which did not reach you until the 16th, I am still under arrest, and not allowed to leave Lima.

You did me the honour to call at my hotel the same afternoon (*i. e.*), the 16th, and told you had just had an interview with the Minister of Foreign Affairs (Señor Melgar), from whom you had demanded my immediate release; that you were indignant, and told him that the Peruvian Government would be held responsible for any interference with my personal liberty, the more so when I was engaged in carrying out the orders of Her Majesty's courts of law, and that Señor Melgar promised you he would see to it at once.

Sir, I beg to say that nothing has been done, and that I am yet confined to this city, and that the order of arrest has not been revoked, notwithstanding your demand that it should be at once, and unconditionally, restored (*i. e.*), my personal liberty.

I went to Señor Gamboa to inquire if he had received any instructions about my release, and told him you had seen Señor Melgar about it; he replied that he had received no orders, nor would he, as his power was independent of the Foreign Office and of Señor Melgar and Mr. Jerningham.

I have letters of introduction and important business to transact in Chili, where I wish to go for a few weeks, but am not permitted to leave here.

Sir, I again appeal for the protection of the flag of my country; I again protest against this great injustice, this cruel wrong—against the conspiracy which has robbed the estate and the minors thereunto belonging of half their property, and against the attempts to obtain what I fortunately secured and placed under the protection of the British flag; and against the apathy and spirit of opposition shown me by the authorities of this country in impeding me in every possible way in my duty, as executor to the estate of my late father-in-law.

I hereby claim from the Peruvian Government the sum of 100 *l.* sterling per day from the 14th instant inclusive, and for every day until I shall be set free and discharged from this unjustifiable arrest, this violation of my rights as an Englishman. What have I done? Simply placed in safety what they endeavoured to secure in order that they might rob me of it, as they have already done of more than \$400,000 belonging to the estate; hence the animus—hence the arrest, that I placed \$240,000 (two hundred and forty thousand dollars) where they were unable to reach it.

Although not at present in the effective list of Her Majesty's army, I hold three commissions, granted me under the sign manual of Her most gracious Majesty the Queen, and am unaccustomed to this indignity, against which I loudly protest.

I have to request you will furnish the Peruvian Government with a copy of this letter, with such remarks (if any) as you may deem fit.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

To the Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

(9.)

Sir,

Lima, 23 March 1861.

On or about the 25th ultimo you were pleased to take under the protection of the British flag a box containing personal property belonging to the estate of the late Michael Winder Esq., of London (who died on the 20th December last), handed to you by Mr. Pike, of the firm of Graham Rowe & Company, of this city, which property had been deposited with the firm by the late Mr. Winder, in the year 1856, previous to his departure for England, and for which box you gave Mr. Pike a receipt, under seal of the Legation.

The box was placed there with my concurrence, accompanied by a memorandum by Mr. Pike, to be delivered to the executor on producing the original receipt given by the firm of Graham Rowe & Company for the deposit. Later I produced to you the probate of the will and letters of administration, wherein I was duly and legally constituted executor by Her Majesty's Court of Probate at Westminster, which you were pleased to acknowledge and recognise as genuine documents. On the 10th instant you gave me, from the aforesaid box, the sum of (\$42,375) forty-two thousand three hundred and seventy-five dollars, in Manumission Bonds; and on my application yesterday for the remainder of the property, you informed me that you had received an "*escrito*" from a Señor Gamboa, transmitted through the Peruvian Minister of Foreign Affairs, who had merely forwarded it, but had not made any remarks thereon (without doubt because he knew it to be an informal and invalid document). You observed you did not mind the document, and were ready to give up the box if Mr. Pike would give you the receipt you had given him, which you deemed necessary, but which he declined to do; consequently, I could not obtain the property.

Sir, with the greatest respect for your opinion, I beg leave most respectfully to differ from you. The receipt you gave to Mr. Pike is his acquittance, and freed him from further responsibility, and which I think he is entitled to keep, and my receipt to you for the box is sufficient for its delivery to me. The Legation is under the law of England, and considered by international law as a portion of the country represented, being as it were transported and situated in a foreign country, and entirely free from its jurisdiction. Therefore, I consider any orders emanating from Señor Gamboa as of no authority whatever, touching the British Legation in this city; it has not even the authority of a court; but the functions of Señor Gamboa's have, so far, been magisterial, and not judicial, as in his private office he has heard of the matter, and from it issued his decrees; and further, if my authority were sufficient to receive \$42,375 on the 10th instant, why is it not so on the 22d instant?

Sir, I much regret the little difference in opinion which has arisen between us on this one particular point, and have with respect to your opinion (retaining, however, my own); nor do I for an instant presume to offer suggestions as to your course of duty. I beg sincerely to thank you for the trouble you now take, and much regret that circumstances have arisen whereby I am compelled to have recourse to your aid and assistance; and I beg to acknowledge the urbanity, kindness, and polite attention I have met at your hands.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

The Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

(10.)

Sir,

Lima, 25 March 1861.

You were pleased to inform me on or about the 27th ultimo, that Señor Melgar had assured you that the Peruvian Government would stop the interests on the bonds stolen, and take possession of them when presented for payment at the Consulado.

Señor Ezeta, on the 24th ultimo, in the name of the Peruvian Government, gave me the same assurance, and told me to feel quite easy, as the matter was in the hands of the Peruvian Government, and that I need be under no apprehension whatever, as they had already taken measures for the security of the property, having received an official letter from you on the subject.

Sir, my experience of the last few weeks induces me to inquire if this has been done, the more so as the time approaches for the payment of the interests on the Consolidated Bonds (viz. 1st of April proximo), and to request you will be pleased to obtain an official notification from the Peruvian Government that it has been done according to promise.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

To the Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

(11.)

Sir,

Lima, 26 March 1861.

In looking over the copy of my letter of the 23d instant, wherein I allude to an interview I had with Señor Gamboa, I find I have stated the conversation that took place in a manner which would infer a disrespect on the part of Señor Gamboa for Señor Melgar and yourself, which I beg to say distinctly was not meant by Señor Gamboa, only that his functions were judicial, and he could not recognize any diplomatic interference therein on the part of Señor Melgar and Mr. Jerningham.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

The Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d' Affaires,
Lima.

(12.)

Sir,

Lima, 28 March 1861.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, enclosing a copy of his Excellency Señor Melgar's letter to you, bearing date 23d instant.

I beg most respectfully to observe, his Excellency takes up his position on false premises, and his assumptions and conclusions are necessarily unsound, and not merely unsound, but opposed to facts.

He seems anxious to avoid the main point, and vainly endeavours to place the question on a new and different basis from where it is and has been since the 22d February last, and where I must insist on keeping it, notwithstanding the diplomatic struggles of the Peruvian Government, and great desire of his Excellency to get rid of the responsibility they accepted, and the promises and guarantees given by them on the 22d ultimo, and three subsequent days. His Excellency Señor Melgar is pleased to say "that it belongs to the judicial authorities to ventilate the question, and that it is being ventilated by Doctor Gamboa, as may be deduced from my own assertions;" now it is notorious, as the correspondence will show, that I have protested against the competency and jurisdiction of Doctor Gamboa to interfere in any way whatever with the validity of the will of the late Michael Winder, and have only asked from the executive and judicial authorities here assistance to carry out the requirements of a document I hold to be valid, and emanating from Her most Gracious Majesty's Court of Probate, and as such raised to the position of a public and national document, the original of which is deposited in the national archives, and deny that there exists in Peru an authority competent to annul, revoke, or declare void the said document or any portion of it.

Therefore, I again repeat for the information of his Excellency Señor Melgar, that any attempts to interfere in any way with the said document can only be diplomatic, and most certainly not judicial on the part of the authorities of this country. You will, no doubt, observe his Excellency seems to take it for granted admit all he assumes, and then goes on to draw conclusions, and summarily to dispose of the matter; he asserts I can receive all the assistance I require from the legal tribunals of the country, and that they should settle contentious affairs.

I beg to say I have no contentious affairs to settle, as my instructions and duties are definite, as is the document I have brought to this country, and my attitude is purely defensive.

I only required them to recognize the document I have as genuine, and myself as lawful executor, and for which I applied in the usual manner five weeks ago, but to this moment have been unable to obtain such recognition nor any assistance whatever; on the contrary, every obstruction and legal technicality that could impede me in my duty as executor to the estate of my late father-in-law have invariably been placed in my path since my arrival in this country; and how his Excellency can, under such circumstances, assert that the tribunals will afford me the needful assistance, I cannot understand; indeed, the burden of my complaint has been the utter want of assistance afforded me by the Executive, legal and judicial authorities since my arrival here.

I regret to say his Excellency seems quite unacquainted with the true position of this important matter, as on that ground alone can I account for his letter being so much at variance with fact. Indeed the letter is a complete evasion of the subject as it stands, and is in fact no answer to those received by him, and to which he alludes.

His Excellency Señor Melgar is careful not even to allude to the promises and guarantees given by the Peruvian Government for the safety and security of the property in question; and now that it has been lost through their culpable neglect, and solemn assurances that they were responsible for its safety, and would take immediate measures for its security, and having neglected to do so, now wish to repudiate and evade their responsibility; even through that neglect, ruin would be the consequence to private individuals, if they were permitted thus to escape from the consequences of the non-performance of their solemn guarantees and assurances.

You were pleased to inform me that Señor Melgar sought to evade the guarantees given by Señor Ezeta, "the official mayor," and his representative at the Foreign Office.

Señor Melgar having, on the occasion alluded to, been absent for several consecutive days,

days, Señor Ezeta being the next in rank and order in the Foreign Office, and who always represents the minister in his absence.

This would, no doubt, be a convenient course for the Peruvian Government, but, fortunately, for truth and the ends of justice cannot be admitted nor entertained for a moment, that any Government can clothe with the official garment of its authority an individual whose acts, pledges, and solemn guarantees on matters of grave importance it can subsequently repudiate.

Why did the Executive give orders for the apprehension of the man Winder throughout the whole Republic? Why did Señor Melgar give orders to the Peruvian Consul at Panama to apprehend him; and sign with his own hand order to the Consul to that effect? Why, doubtless, he saw they were responsible, and had utterly neglected to perform the duties they had accepted and guarantees given; and on the faith of which, as coming from the Executive of a civilized country, I reposed, and to whom I still look for and demand that the guarantees and promises given be made good, and they be held to the assurances given to Her Majesty's representative in this city.

When I was assured, in his presence, to be under no apprehension, as it was now in the hands of the Peruvian Government, who were responsible for the safety of the property. And I have to request you will urge and insist that the guarantees given to you may be fulfilled, acquainted as you are with the accuracy of the facts detailed in this and my other communications; and that you may be pleased to forward my letters, numbered from 1 to 12, at the same time you make your report to Her Majesty's Principal Secretary of State for Foreign Affairs, and bring to his special notice that I am a prisoner, and have been since the 14th instant; and I feel a lively assurance my Government never will suffer to go unpunished so flagrant an outrage on one of Her subjects, and such a violation of the law and usages of civilized nations; and to that Government I appeal, and in the spirit of the old Roman say, "*Civis Romanus sum*."

I have, &c.
(signed) *Henry de Wolfe Carvell.*

The Honourable William Stafford Jerningham,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

Enclosure 3, in No. 1.

(Translation.)

Lima, 23 March 1861.

THE undersigned Minister for Foreign Affairs of Peru has had the honour to receive the two appreciable notes, dated 20th instant, in which the Hon. Chargé d'Affaires and Consul General of Her Britannic Majesty is pleased to transmit to him the two expositions which Captain Henry de Wolfe Carvell had addressed to him on the subject of the succession of the British subject, Mr. Michael Winder, who died in England. As the said notes of the Hon. Mr. Jerningham are of one and the same nature, and belong to the same matter, the undersigned has the honour to reply to them both in this single communication.

The undersigned does not doubt at all that the Hon. Mr. Jerningham will be pleased to easily recognize that all the complaints contained in the representations of Captain Carvell are relative to matters which should be ventilated exclusively before the judicial power; and not only is it there they should be ventilated, but they are really being ventilated, as is deduced from assertions of Carvell himself, and of the same nature of the complaints, for some or the most of them are of the proceedings of the Judge of First Instance, Doctor Gamboa. The same may be perceived by the contents of the note of the undersigned, dated 20th instant, in which he had the honour to remit to the Hon. Mr. Jerningham a decree of the said judge in the matter above mentioned.

If, therefore, the said matter is purely judicial; and if it is true, as the Hon. Chargé d'Affaires will be pleased to acknowledge, that in the tribunals of justice Captain Carvell can find the remedy for all the proceedings which he believes prejudice him—for all the resources are open to him which the laws grant in contentious affairs—it is clear that he is not under the necessity of applying to the Hon. Mr. Jerningham to make a diplomatic reclamation. His Honor will know when the time has come for representing an account of delay or refusal of justice.

By the above statement the Hon. Mr. Jerningham will also admit that the undersigned must decline the "Protest" which is contained in one of Captain Carvell's reclamations, and which it appears his Honor reproduces:

Notwithstanding all, the undersigned, in honour of the worthy notes of Mr. Jerningham, and desirous that in the present matter, as in all those in which foreigners, and especially British subjects, may be interested, justice be administered without giving grounds for founded complaints, has asked for information from the functionaries of the judicial power whom it may concern, in order to see whether it is necessary to address to them the stimulants which the constitution of the State permits.

The undersigned has the honour to renew, &c.

(signed) *José Fabio Melgar.*

The Honourable William Stafford Jerningham,
Chargé d'Affaires, and Consul General of Her Britannic Majesty.

— No. 2. —

(No. 13.)

Mr. *Jerningham* to the Right Hon. Lord *John Russell*.

My Lord,

Lima, 28 March 1861.

WITH reference to my Despatch, No 12, of this date, in which I alluded to part of the personal property of Mr. Michael Winder having been placed under the British flag, I beg to have the honour to state, that Mr. Pike, manager of Graham Rowe's firm in Lima, with the consent of Mr. Carvell, executor of the will of the late Mr. Winder, came to my house about a month ago, when Mr. Pike placed in my hands a box containing bonds and bales, personal property left by the testator. Some time afterwards, Mr. Carvell informing me that he had made arrangements for transferring some of this property to England, I allowed him, having seen the will of Mr. Winder and the probate which Mr. Carvell had shown me, to open the box, when he, in presence of the partners of Mr. Gibbs' firm and another, took out the documents he wanted; for being executor of the above will, I allowed him to do this. The box was then sealed up again. Mr. Pike, however, was not present on this occasion. Afterwards, Captain Carvell informed me that he had found an opportunity of getting the remainder of the property in the box sent to England, having made arrangements with Señor Candama, the great capitalist here, for that purpose. Although I felt inclined to allow Mr. Carvell to do this, I consulted with Mr. Pike, manager of Graham Rowe's firm, to whom I had given a receipt previously, some time before, in presence of Captain Carvell, for holding this box of property which they had placed under the British flag.

Mr. Pike told me that a notification had been served him by Peruvian Courts respecting the property which he had made over to the British Legation; that he thought Captain Carvell ought not to take away any more property from the box in my possession; and advised me to write to your Lordship to know what ought to be done in the matter.

Captain Carvell argued that he had a right to touch this property in the box, because it was now under the flag, it was in England, and that as legal executor of the will of Mr. Michael Winder, the documents in the box belonging to his personal estate, as far as I could make out, he could not be opposed.

I found Mr. Pike unwilling to give me up my receipt, unless I authorised him to do so; this I refused, stating that the box had been placed by Mr. Carvell and himself in my hands for safety; that I had not anything to do either with the administration of the will, or anything else respecting it. However, I told them that, if they did not agree on the subject of the removal of the box, and give me back my receipt for holding it, I could not positively give it up.

I beg now to have the honour to request your Lordship's orders for guidance as to what I am to do. I have placed the box above mentioned in the house of Gibbs, under seal of Her Britannic Majesty's Legation, for safety in their strong box.

I have, &c.

(signed) *Wm. Stafford Jerningham*.

The Right Hon. Lord John Russell,
&c. &c. &c.

— No. 3. —

(No. 17.)

Mr. *Jerningham* to the Right Honourable Lord *John Russell*.

My Lord,

Lima, 29 April 1861.

IN my Despatch, No. 13, of 28 March, I informed your Lordship that Mr. Pike, manager of Graham Rowe's firm in Lima, had, with the consent of Captain Carvell, executor to the will of the late Michael Winder, come to my house, when Mr. Pike placed in my hands a box containing bonds and vales belonging to the estate of the late Michael Winder above mentioned, to remain under

under the protection of the British flag. At the end of that Despatch, I told your Lordship that when Captain Carvell wanted to take the box away, and that Mr. Pike refused to give me back my receipt for holding the deposit, unless authorised by me to do so, I did not accede to Captain Carvell's request. I beg now to say that Mr. Pike having given me back my original receipt, Captain Carvell, as executor to Winder's will, has tendered me his receipt for the property deposited, and has now taken it away from under the British flag, in the presence of Mr. Pike, as the enclosed copy of receipt will show.

Although I applied to your Lordship for instructions on the matter, my receipt for holding the deposit being returned to me by Mr. Pike, and one being given by Captain Carvell, who demanded the property, I felt that I had not any right to hold it any longer, and therefore gave it up to him, Mr. Pike being present when the receipt was signed. This receipt is for the whole of the property which had been placed by Mr. Pike, with Captain Carvell's consent, under the British flag.

I have, &c.
(signed) *Wm. Stafford Jerningham.*

The Right Hon.
Lord John Russell, &c. &c.

Enclosure in No. 3.

(Duplicate.)

RECEIVED from Her Britannic Majesty's Chargé d'Affaires in this city, the following documents and monies belonging to the estate of the late Michael Winder, which were deposited in this Legation by Messrs. Graham Rowe & Co., viz.:

Vales de Manuission, amounting in all to \$42,300 (forty-two thousand three hundred dollars). Vales de Consolidacion, amounting in all to \$175,300 (one hundred and seventy-five thousand three hundred dollars); and in current coin, the sum of \$21,920 (twenty-one thousand nine hundred and twenty dollars), all which I am entitled to claim in virtue of the last will and testament of the late said Michael Winder.

Given in duplicate at Her Britannic Majesty's Legation, this 10th day of April 1861, in the presence and with the sanction of Her Britannic Majesty's Chargé d'Affaires, Consul General, &c.

(signed) *Henry de Wolfe Carvell,*
Executor.

Lima, 10 April 1861.

In presence of W. S. Jerningham, Her Britannic Majesty's Chargé d'Affaires and Consul General.

— No. 4. —

(No. 18.)

Mr. Jerningham to the Right Hon. Lord John Russell.

My Lord,

Lima, 29 April 1861.

WITH reference to my Despatch, No. 12, of 28th March, in which I related that Captain de Wolfe Carvell, British subject, had come out to Lima with the will of the late Michael Winder, British subject, who died domiciled in London, with the object, as executor to the same, to collect what property belonging to the estate of the testator happened to be in Peru, in order that the division might be made amongst those entitled to inherit it; and in which Despatch I informed your Lordship that, as some of this property appeared to be in danger of being made away with, Captain Carvell had applied to me for my interference, and that I accordingly had had recourse to the intervention of the Peruvian Government, as seen by the note addressed to Señor Melgar, enclosed in above Despatch: I beg now to state that, since then, several notes have been exchanged between the Peruvian Government and myself on this subject, and that I have also forwarded copies of Captain Carvell's notes to me to the Peruvian Executive.

Before drawing your Lordship's attention to the perusal of the enclosed correspondence, I must beg leave to observe that when application was made by me to the Peruvian Government for their immediate interference, I was left with the impression that they would do what they could in the matter. I first of all asked them, in the name of Captain Carvell, to cause the legal authorities to embargo the late Mr. Winder's property (personal), which was said to be in the hands of one of his illegitimate sons; and afterwards, when it was ascertained that this property was not to be met with, and that this illegitimate son had absconded,

absconded, I also requested his Excellency, in the name of Captain Carvell, executor to Winder's will, to cause Manuel Winder to be arrested.

These steps on my part, under ordinary circumstances, might perhaps appear premature, as a direct one to the judicial authorities by Mr. Carvell would have been alone requisite, and the usual routine; but as Captain Carvell informed me that Her Britannic Majesty's Attorney General had told him that if he had any difficulty to come to me, and that in some cases the usual and most ordinary way of proceeding or form could be passed over, I was induced, therefore, to listen to his application; and as a large amount of property was at stake, and I imagined that the shortest way to save it was to address myself directly to the Government, I accordingly did so, and asked them to take those means to save it which lay at their disposal.

Subsequently, when Captain Carvell requested me to apply to the Government to stop the interest on the Consolidation, &c. Bonds of the Winder estate, which had disappeared, should they be presented at the "Consulado" for payment, and to seize them, I also made this request to Señor Melgar verbally, and by reminding him of it in writing.

To this request his Excellency appeared to offer no objection, whatever he may say now in his correspondence, that it was not an assurance that he gave me; and that he did receive this indication in a way that induced me to believe he would put it in execution is proved by his last note, which I have now before me (but which is very long, and cannot be copied and translated in time for this mail), stating that his Excellency directed an "aviso" to the "Director del Credito Publico" on the 27th February, which, however, he found on the 2d of April had not been received by that functionary (through some mistake), when he wrote a duplicate, which was received just at the moment they were going to proceed with the payment of the interests on the bonds.

These points I must beg your Lordship to have the kindness to note, because a few days before the three-monthly interest was due upon the bonds an amortization took place at the "Consulado," where the "Director del Credito Publico" functions, when 60,000 dollars of Winder's property, in bonds, were amortized. Had the note of Señor Melgar, written in February, been delivered when it should, this amortization would not, in all probability, have occurred, at least it ought not.

But to return to the applications which I made to the Peruvian Government, as above mentioned. It was not until a month after the first was made that I received a note, dated 23d of March, referring Mr. Carvell to the judicial authorities; as Señor Melgar asserted that Winder's will having been opposed by the widow, who had initiated legal proceedings, it was evident a litigious business, and that the Government could not interfere in "los negocios contenciosos."

Since that period, Señor Melgar has endeavoured to stir as little in the matter as he conveniently could, and an exchange of notes between his Excellency and myself, who has also sent in to the Peruvian Government Captain Carvell's complaints, have been the consequence.

To what I have endeavoured to keep his Excellency are, my requests made in February and at the commencement of March, as your Lordship will perceive by my note to his Excellency on the 11th of April. If these did not (did not) come within the powers of the Executive, why did not his Excellency refuse to have anything to do in the matter at once? An answer in that sense would have left me no option but to refer Captain Carvell to the judicial authorities alone.

Captain Carvell, some time ago, presented the will to a judge in Lima, that the requisite formalities might be gone through; but, as yet, I believe the recognition of its validity has not been officially or publicly acknowledged.

I beg now to enclose to your Lordship copies of the various correspondence to which I have alluded above in this Despatch, and will conclude by stating that, in my proceedings in this business, my chief aim and desire have been to forward, when applied to by Captain Carvell as an executor, the interests of a British will proved in Doctors' Commons, that of the late Mr. Michael Winder.

I have, &c.

(signed) *Wm. Stafford Jerningham.*

The Lord John Russell,
&c. &c.

Enclosure in No. 4.

Lima, *25 March 1861.

THE undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul General, begs to have the honour to remind his Excellency Don José Fabio Melgar, &c., that in an interview which he had of his Excellency on the 27th ultimo, he begged him to cause the interest on the stolen bonds belonging to the late Michael Winder, who died in England, to be stopped and taken possession of when presented for payment at the Consulado, when his Excellency gave assurances that he would see about the matter.

Señor Ezeta, on the 24th ultimo, in the name of the Peruvian Government, gave Captain Carvell the same assurance, and told him to feel quite easy, as the matter was in the hands of the Peruvian Government, and that he need not be under any apprehension whatever, as they had already taken measures for the security of the property, an official letter having been received from the undersigned on the subject. The undersigned is now informed by Captain Carvell, who has made inquiries at the Consulado, that no orders have been received to the effect of refusing the interest on, or for taking possession of the above bonds; and as the interest is due to-morrow, the undersigned begs to remind the Peruvian Government of the promise made with reference to their bonds; and in the name of Captain Carvell, executor of Mr. Winder's will, to request that his Excellency should immediately, without delay, take the necessary measures for stopping at once the interest upon these securities, and take possession of them.

His Excellency Señor Melgar,
&c. &c. &c.

The Undersigned,
(signed) *W. S. Jerningham.*

Lima, 11 April 1861.

THE undersigned, Her Britannic Majesty's Chargé d'Affaires, &c., begs to acknowledge the receipt of the worthy note which his Excellency Don José Fabio Melgar, &c., did him the honour to address him on the 6th April, which reached him at Chirillos, on the morning of the 8th instant.

In the above note his Excellency informs the undersigned that his Excellency had received a written communication from the undersigned on 2d of April, bearing date of the 25th March.

This note the undersigned imagines must be the one which Captain Carvell undertook to deliver to his Excellency from the undersigned, on the evening of the 2d April; and if it was misdated 25th March, this was a fault on the part of the undersigned, from which a person in the hurry of business is not always exempt. This note therefore ought to have been dated the 2d April, the day on which it was written and delivered: and the undersigned begs his Excellency to have the kindness to cause the date 2d April now to be substituted for the wrong one, 25th March.

In the communication of his Excellency of the 6th of April, his Excellency says that the undersigned, in his note, 25th March (2d April) had reminded his Excellency of a conference in which he had requested him to give orders for the retention of the interests on the bonds of the late Michael Winder, and that his Excellency had given the assurance that he would take the matter into consideration; also that the undersigned had said that Señor Ezeta (official mayor), of the Foreign Department, gave, in the name of the Peruvian Government, to Captain Carvell, a similar assurance, telling him not to have the least anxiety, as the matter was in the hands of the Government, adding that measures had been taken for the security of the property of the late Michael Winder; and that, in fine, in the same note Mr. Jerningham had affirmed that Captain Carvell had informed him that no order had been received to retain the interest on the above-mentioned bonds, Mr. Jerningham adding, that as the interest was due on the morrow (meaning the 3d of April) he must remind the Peruvian Government of their promise relative to the bonds, and, in the name of Captain Carvell, requested his Excellency to take, without delay, the necessary measures for the retention of interest (and also to seize the vales) by which, undoubtedly, Mr. Jerningham had intended to mean that the above bonds should be "embargoed." In the second paragraph of his Excellency's note, his Excellency desires to fix the attention of the undersigned on two facts, which he says might lead to some misunderstanding in the solution of the matter in question.

1st. That Mr. Jerningham's note, dated 25th March, speaks of the interest of the bonds being due on the morrow; whereas, the three months' interest was only due on the 1st April.

2d. That the note dated by Mr. Jerningham 25th March, was brought to his Excellency by Captain Carvell and Colonel the O'Gorman Mahon, on the 2d April.

His Excellency then goes on to say that it is necessary to remember that the want of conformity which exists between the epoch for the payment of the interests on the bonds referred

* Should be 2d of April; written and delivered on that day.

referred to in the note of the British Chargé d'Affaires, and the inexactness with which that note was delivered to his Excellency, must obviate any imputation that might be made against his Excellency for not having fulfilled a promise, if perchance he should have contracted one, or was able to do so, respecting the request made by Mr. Jerningham relative to the retention in question.

As the undersigned, at the commencement of the present note, has endeavoured to set his Excellency right about the date of the note of the 25th March (which must now be known as that of the 2d of April), it is evident that the matter stands in a different position from that in which his Excellency's arguments (founded upon a misdate) have sought to place it. Besides, as the note of the undersigned alluded to the interests which were due at or to be paid on Mr. Winder's bonds, the morrow (3d April, the 1st of the month occurring in the Easter holidays), the undersigned is surprised that the misdate should not have been at once perceived by his Excellency. But granting even that the note of the undersigned was written on the 25th March, and delivered on the 2d April, was it not, however, as far back as the 23d February. The undersigned wrote to his Excellency on the same subject, and made "*in extenso*?" the very same request, although nothing was actually said of stopping the interest on the bonds. To that note the undersigned has now the honour most particularly to refer his Excellency, as it was drawn up and sent the same day that the undersigned, Captain Carvell, and another gentleman, had an audience at the Foreign Office with Señor Ezeta, who, in the absence and illness of his Excellency, received the undersigned and these gentlemen, and heard what they had to communicate.

This was before any legal proceeding whatever had been taken in Lima by any parties interested in Mr. Winder's will, and, therefore, no lawsuit whatever had been initiated, or was pending.

It was agreed with M. Ezeta that the undersigned should draw up a note to the Peruvian Government, expressing what the undersigned wished to be done. The note of the 23d February was then forthwith written, and sent by undersigned to his Excellency the Minister for Foreign Affairs, that very evening. This is the transcript of the note:—"The undersigned, &c. &c., has the honour to enclose to his Excellency copy of a note which he has received from Captain de Wolfe Carvell, a British subject, who has recently arrived in Lima with the will of the late Mr. Michael Winder, a British subject, who died in the last year in London, and has, amongst other property, left a considerable amount in Peru.

"As Captain Carvell is one of the principal executors of the will, and responsible to the courts of law in England for its faithful execution, he is placed under the necessity of having recourse to the aid of the undersigned, because he has heard that part of the estate in Peru is in danger; he says that there is in the possession of Manuel Winder, an illegitimate son of the late Mr. Winder above-mentioned, residing at 168, Calle de Valledolid, the amount of 395,500 dollars in bonds of consolidation and manumission, together with ledger books and papers, all of which belong to the estate of the late Michael Winder, of No. 2, Bayswater, London, and which amount, as also ledger books, papers, &c., belonging to the estate, are in danger of being made away with and destroyed; and, therefore, the undersigned, at the request of Captain Carvell, as executor, begs to request the Peruvian Government to take such efficacious means as lay at their disposal to secure the above-mentioned amount of property from being made away with, by causing the Peruvian legal authority to embargo it directly without any loss of time.

"The will of Mr. Winder has been proved in Doctors' Commons, in London, and the law courts of Great Britain will insist upon it being carried out strictly to the letter; therefore, to save any ulterior difficulty, it is indispensable that the Government of Peru should take active measures to prevent the danger to which the undersigned has alluded above."

This is the note of the undersigned, which was presented on the 23d February; and he then trusted that, from the earnest manner in which he had urged his request on an important subject, that it would be immediately attended to by the Peruvian Government.

Why did they not, if they had no intention, or were unable to listen to the request of the undersigned, immediately let him know, by writing a note to that effect?

But such was not the case, and the undersigned and Captain Carvell were left under the impression that the request would be listened to and acted upon of course in the way consistent with the powers of the Peruvian Government.

When his Excellency had sufficiently recovered from a sorrowful event to resume his official functions, the undersigned called upon him (about the 5th, 6th, or 7th of March), and spoke to him of the whole affair, and mentioned that a note had been written to him on the 23d February; that since that period Mr. Manuel Winder had possibly got information of what was being contemplated, and that when application was made at his house by the executor and others, only 5,000 dollars were found in the chest, and he himself (Manuel Winder) had absconded. The undersigned pressed upon his Excellency the necessity of Manuel Winder being arrested, and his Excellency immediately said he would write a circular to the authorities (and the undersigned thinks he said judicial), to cause Manuel Winder to be stopped.

Afterwards the undersigned brought to his Excellency's attention the necessity of causing the interests on the late Mr. Michael Winder's bonds to be refused at the "Consulado," and to seize these bonds or notes (he believes he added).

His Excellency on this occasion, instead of refusing the aid of Government, which he ought to have done if he intended to do nothing, received these indications and the requests about the bonds or notes with that politeness for which he is always remarkable, and said he would

would see to the matter, or something to that effect, which left the impression on the mind of the undersigned that his Excellency would constitutionally do what he could to prevent the destruction of the personal property of the late Michael Winder, by stimulating the judges to do their duty by obtaining the arrest of Manuel Winder, and by causing opportune advice to be given respecting the non-payment of interest, &c., so that when the undersigned left his Excellency, he related to Captain Carvell his impression as to what steps his Excellency would be induced to take, when the former seemed satisfied.

At a later interview, when the undersigned came to protest against Captain Carvell being "arraigado," and during which his Excellency asserts that the undersigned was in a state of excitement, to which all persons are liable (even those in the highest places), but for which the undersigned hopes he may be pardoned if he exceeded the bounds of decorum. Amongst other things, at the end of the conversation, his Excellency's attention was directed to stopping the interest on the stolen bonds, &c.; no refusal was then given on the part of his Excellency to this request; on the contrary, his Excellency said that he would attend to the matter, or something to that effect. But it is not necessary to argue upon this or that word; no two persons hardly ever remember the precise terms of a conversation; however, the principal thing to be sought for is whether his Excellency intended to further the request of the undersigned, as far as lay within his means, or reject it entirely, as not being such as could be admitted by the Peruvian Government. The undersigned again assures his Excellency that on this, as on a previous occasion, he received no refusal of his Excellency to act; on the contrary, he was led to infer that his Excellency would do what he could in the matter; such was naturally the conclusion of the undersigned.

The undersigned is now borne out in this opinion, for he has heard privately that M. Suero, who presides at the payment of the interests on the bonds, received a letter, very late indeed, so late indeed, that a great evil was unfortunately the result to which the undersigned will hereafter allude.

In fact, a letter was received by the director of "credito publico," purporting to come from the Peruvian Government, dated February, which only reached Señor Suero a few days before the quarter's interest on the bonds was to be paid.

This possibly must be the "driso" to which his Excellency, in his note of the 6th April to undersigned, alludes as having been passed to the same director by his Excellency "para que estuviese advertido de los reclamos que habia acerca de los bonos del finado Winder, para por si fuese de su incumbencia tomar algunos precauciones."

This letter proves that his Excellency always intended to act, as far as lay in his power, upon the request of the undersigned, to stop the interest on the stolen bonds of Michael Winder, and that he did act upon it, though the letter arrived so late that a great mischief was previously achieved.

The evil to which the undersigned has alluded in the foregoing paragraph appears, in a great measure, if not entirely, to have been the result of the want of the timely and expected action of the Peruvian Government in not at once, after the receipt of the first note of the undersigned in February, causing, by the legal means constitutionally at their disposal, an embargo being put upon the property in danger, and afterwards stopping the interest on the stolen bonds, and taking possession of them when presented for payment at the "Consulado," requested of in more than one interview.

It has now come to the knowledge of the undersigned that on some day in March last (he believes), 60,000 dollars of bonds belonging to the estate of the late Michael Winder, against which an advertisement had been previously put in the "Commercio" newspaper for seven days, giving their numbers and amounts, and warning the public respecting them, have been presented, and were actually paid at the Consulado amortizado.

This was done by the director, an officer of Government, in the face of the advertisement, a thing contrary to the laws of the country; but had the director received his Excellency's "aviso," as he should have done, before the day when the 60,000 dollars were presented for "amortization," it is more than probable that the present loss and calamity to the estate of the late Michael Winder would not have occurred.

Such is the history of the relations, communications, and conversations which have taken place between his Excellency and the undersigned, respecting the bonds, &c. of the late Mr. Winder; from which it is evident that the undersigned having requested the Peruvian Government to use their best endeavours to prevent the destruction of property belonging to the estate of the late Michael Winder, a British subject, the Peruvian Government have, for a whole month (from 23d of February to 23d of March, when a note was received from his Excellency, referring Mr. Carvell to the law tribunals of this country), not refused to do; and that even at the eleventh hour a note, written in February, was received at the end of March, or beginning of April, by the director of "credito publico," from his Excellency's department, above referred to.

The interest on the stolen bonds have, happily, been stopped, and the undersigned believes, in consequence of his Excellency's "aviso," though late received, for in the conversation which his Excellency had with Captain Carvell and Colonel O'Gorman on the 2d April last, when they delivered the note of the undersigned, written on that day, his Excellency told these gentlemen that he had given instructions to stop the interest on the bonds in question.

However, the question now arises, who are responsible for the "amortization" of the 60,000 dollars, Winder bonds, which should not have been amortized? the undersigned regrets to say that, as this occurrence took place in consequence of the Peruvian Government neglecting to take immediate precautions, when invited to do so, against Mr. Michael Winder's property being made away with, they must hold themselves responsible for this

act, the more so, as there was a public advertisement in the public newspaper for seven days, warning the public respecting the denounced bonds.

The undersigned, confiding in the justice and integrity of the Peruvian Government, must now request, in the name of the executor of the will of the late Michael Winder, British subject, that the Peruvian Government do now cause these 60,000 dollars of amortized bonds, belonging to the estate of the above person, to be forthwith restored to that estate, and thus to make immediate amends for an act so evidently illegal.

The undersigned, who has, since he has resided in Peru, generally endeavoured to cultivate the best relations with the Peruvian Government, is grieved to see that this same Government, which is bound by treaty to protect the property of British subjects, should evince such a spirit of backwardness in not giving immediately its frank and loyal aid when requested, in an important matter by the undersigned, an humble individual, yet the representative of the Government of a great and friendly power.

His Excellency Señor Melgar,
&c. &c. &c.

(signed) *W. Stafford Jerningham.*

Lima, 5 April 1861.

HER BRITANNIC MAJESTY'S Chargé d'Affaires, &c., begs to have the honour to forward, by Captain Carvell's desire, copy of a note which has been addressed by the latter to the undersigned, stating that, in consequence of recent advices received by him from Europe by the last mail of 2d instant, he finds it necessary to demand a higher sum on account of his arrest and detention in Lima, than he did in his letter of the 23d March, and that he hereby claims and demands of the Peruvian Government 250*l.*, two hundred and fifty pounds sterling per diem, until liberated and discharged from arrest for each and every day from this date inclusive.

(signed) *W. S. Jerningham.*

His Excellency Señor Melgar,
&c. &c. &c.

— No. 5. —

(No. 21.)

Mr. *Jerningham* to the Right Honourable Lord *John Russell*.

My Lord,

Lima, 13 May 1861.

WITH reference to my Despatch, No. 18, sent last post, in which, amongst other enclosures, I transmitted a copy of a note which I had addressed to Señor Melgar on the 11th April last, respecting what had occurred in various proceedings and conversations between his Excellency and myself with regard to the Michael Winder affair, and matters connected with that business, and with Captain Carvell, executor of the above will, and in which note I recapitulated to his Excellency the history of my relations with him upon it, and the impressions as to what would be the conduct of his Excellency and his Government which I had received, as well as concerning the 60,000 dollars, Winder bonds, denounced as stolen, that had been amortized by the Director of Public Credit, which, in the name of Captain Carvell, executor, I requested the Peruvian Government to cause to be restored to the Winder estate; I beg to have the honour now to forward to your Lordship Señor Melgar's reply to my note above mentioned.

As I have waited to see what has been your Lordship's opinion respecting my first proceedings in taking up the Winder will case, as communicated to your Lordship in my Despatch, No. 12, I will not exhaust your Lordship's patience by now discussing Señor Melgar's reply.

As to whether his Excellency is right or wrong in the views he takes of the relations between the faculties of the executive and judicial authorities in a case like the present, your Lordship's great knowledge in such matters will best lead you to decide.

Captain Carvell came out here with an English will, proved in Doctors' Commons. He hears that a great amount of the late Michael Winder's property in Peru is in danger of being made away with by the natural son living in Lima; he applies to me to get the Peruvian Government to try to avert the danger, saying, that the Attorney General of Her Majesty had told him that if he had any difficulty, to come to me. I addressed the Peruvian Government on the matter, requesting them to cause this mischief from being effected, and indicated what Captain Carvell wished to be done. Answers were given me that left me under the impression that his Excellency Señor Melgar would do what he could, of course constitutionally, to save the property of this estate.

In

No. 1.
24 April 1861.

In the meantime Manuel Winder, the natural son above mentioned, disappears, and the amount of property in bonds, &c., which ought to have been found in his possession and of his partner (I believe), disappeared also, and only 5,000 dollars were found in the chest of the counting-house.

The Government were applied to to cause the arrest of Manuel Winder; and Captain Carvell, I believe, went to the law authorities to get a warrant out; that was issued, but he said that he found the police very little disposed to act upon it. When this evasion of Winder occurred, I applied, twice at interviews, and also in my notes, to his Excellency the Minister for Foreign Affairs, that the interest on the bonds that had disappeared should be stopped, if presented for payment at the "Consulado," and that the bonds should be seized, *i. e.* embargoed.

From the way his Excellency received this request, I inferred that he would do what he could in the matter, of course according to the laws of his country, which he must know better than myself.

Such was the state of things, Captain Carvell in the meantime having submitted Winder's will, with a translation, to a judge, that it might be examined, and his capacity of executor of it be acknowledged. But then we hear that the widow of the testator, a Peruvian by birth, residing in Lima, where her domicile now is, commences legal proceedings with respect to the will of her late husband and against Captain Carvell; notifications are issued by a judge that the Winder property should be deposited in a firm in Lima, and Captain Carvell is pronounced "arraigado," *i. e.*, ordered to remain in Lima to defend the lawsuit inaugurated in the courts by Mrs. Winder, or to name some representative, subject to the approval of the legal authorities. Mr. Melgar says that legal steps had been taken by Mrs. Winder almost, if not entirely, cotemporary with my first application to the Peruvian Government in this business; if they were, I did not know it; and I doubt whether his Excellency did, as he has only mentioned this fact in the present enclosure. Some time after, about a month after my first application, although the matter may have been adverted to in conversation with his Excellency a little before, I received a note from Señor Melgar, dated 23d March, referring Captain Carvell to the law courts of Lima, saying that Government could not interfere in litigious questions. If they had told me that at the beginning, particularly as Señor Melgar says now that Mrs. Winder had commenced to take legal steps on the 22d February, we should have been spared a long and irksome correspondence, as such a refusal on the part of this Government would have induced me to drop the matter until I had informed your Lordship of this refusal, and received your instructions concerning it. One plea for delaying to refer Captain Carvell entirely in this business to the law tribunals is stated, that this Government had to consult the "Fiscal" respecting the contents of my first note in February; but surely, as I had said that the affair was a very urgent one, a few hours, or a day at least, would have amply sufficed for that.

It is probable that Señor Melgar cooled upon his first thoughts in the Winder affair; and the widow, Mrs. Winder, having fairly embarked in a lawsuit, to the great delight of the Lima lawyers, and the Peruvian Government wishing to shun all collision with parties interested in the inheritance, his Excellency has politely backed out of his primary zealous intents, while he has taken the trouble to prove to me that he has done all he had arranged with me to do, in the sense in which he gave me to understand he would and could act.

However, the interest on the bonds have been stopped, whether in consequence of his Excellency's "aviso," or Captain Carvell's application, I know not; Señor Melgar says in consequence of the latter.

The 60,000 dollars amortized bonds, his Excellency says in his note (herein enclosed), the Government could not order to be restored, because such a measure would not only be unconstitutional, but would amount to an offence.

However, I am told that lately an order from a judge has been issued decreeing that these amortized bonds should be restored to the estate.

Such is the present position of the case. These measures of stopping the interest, and ordering the restoration of the amortized bonds, have given rise to long animadversions in the newspapers; and I am told the public confidence in such paper has been affected in Lima, and an application, signed by many mercantile persons in this city, has been addressed to the Director of Public Credit on the subject.

I beg to enclose to your Lordship several letters to me from Captain Carvell on the Winder case; and he begs me to submit to your Lordship's consideration the fact mentioned in his letter, No. 20 of 6th May, of his having been notified by a judge in Lima to give up what property he has here been able to collect as executor of the late Miguel Winder's will.

I have, &c.

(signed) *Wm. Stafford Jerningham.*

The Right Hon.
Lord John Russell,
&c. &c. &c.

Enclosure in No. 5.

(Translation.)

Lima, 24 April 1861.

THE undersigned Minister of Foreign Affairs of Peru has had the honour to receive the appreciable note which, under date of the 11th instant, the Chargé d'Affaires and Consul General of Her Britannic Majesty, was pleased to address to him, acknowledging receipt of that of the undersigned of the 6th of the same, regarding the matters which Captain Henry de Wolfe Carvell discusses, as executor of the testamentary estate of Mr. Michael Winder.

In the said note of 6th April the undersigned endeavoured to satisfy the Honourable Mr. Jerningham regarding the complaints which, at the request of Captain Carvell, he had signified on previous notes, of the non-intervention of the Government of the republic, in the contentious affairs which said Captain has pending before the judicial power in consequence of the said testamentary estate; and as regarding certain points contained in the note of the 6th referred to, the Honourable Mr. Jerningham does not yet agree with the undersigned, and besides gives birth to a new question, and formulates a new charge. The undersigned finds it his duty to give to his Honor a fresh reply, taking into consideration all that he has been pleased to adduce in his said note.

Although his Honor states that his note, dated 25th of March, was written on the 2nd of April, and that by mistake that date was placed, the undersigned sees no reason for insisting further upon the matter, as with this explanation the object proposed by the undersigned respecting it, is reached, to change the date now, as Mr. Jerningham is pleased to indicate, the undersigned considers it would later cause confusion when it may be necessary to consult those notes. It will be better if his Honor agrees that things should remain as they are, the necessary explanation respecting them now existing.

On this occasion of referring to dates, the Honourable Mr. Jerningham is pleased to say that first of all his note of 23d February last was written (which he believes did not have the effect which he proposed), he transcribes it entirely, relates what occurred for writing it, and out of it raises various charges to which the undersigned is about to have the honour to give his attention.

The observation of the Honourable Chargé d'Affaires, that even previous to the 25th of March, he had already solicited that the Government of Peru should give orders respecting the property of the deceased Winder, it appears would tend to destroy some excuse of the undersigned; it appears that the undersigned had given to be understood, that if those orders were not issued, it was because the note of the 25th of March was remitted to him too late. It is the duty of the undersigned to state, that when he referred to the date of that note, and the day it was delivered, he did not think of giving, as is very clearly seen, the supposed excuse, because on the 25th of March, as well as on the 23d February, and at any time whatever, he could and should say that the Government of the republic cannot interfere in contentious matters; in this sense are all the notes which the undersigned has had the honour to address to the Chargé d'Affaires in particular, and in the same sense he has made declarations in two notorious affairs which have come to the knowledge of his Honor.

After the observations now replied to, his Honor states that previous to his note of 23d February, an interview took place of his Honor, Señor Ezeta, Captain Carvell, and another gentleman; that Señor Ezeta agreed that the Honourable Mr. Jerningham should address a note to the Peruvian Government, expressing what he desired should be done, and that therefore on that same day the note was written and sent to the undersigned.

The undersigned now permits himself to state, that Señor Ezeta agreed to nothing else than that a note should be addressed to the Ministry, and this will reflect sufficient light upon another reply in which the undersigned has had the honour to state to Mr. Jerningham that Señor Ezeta could not compromise the Government, and that a reply of the chief clerk of the office could not be held of avail when the same matter was being treated upon with the Minister; and in effect, if in the passage of the note to which the undersigned is now replying, is seen that to him was addressed an official note, which he should reply to, the necessity results of only adhering to the reply that he might give. The contrary would expose oneself to have two different replies; but at all events the certainty would be that only that of the Minister could be accepted, as the undersigned, as also stated on the occasion to which he has alluded.

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The Honourable Mr. Jerningham makes another observation, reduced to, that all that has been related in the previous paragraph took place before any judicial proceeding had taken effect, initiated by any of the parties interested in the will of Winder. If this observation has for its object, as the undersigned believes, to reply to an objection which he made to Captain Carvell, that serious inconveniences were stirred up by applying at one and the same time in the same matter to the Government and the judicial authority, the undersigned must reply, that the observation only saves Captain Carvell from the charge for one or two days; for on the 25th of February he was litigating in the judicial court, where questions had already been raised of the widow of Winder since the 22d; and as Carvell has solicited in this matter proceedings of the Government after the 25th, and up to to-day, he solicits them; and as after the 25th the undersigned also might have made the charge to him, it is clear that this charge subsists entire. *The occasion offers to state to the Honourable Mr. Jerningham, which perhaps is a repetition, that since the undersigned had a knowledge of this matter, he looked upon it as contentious, and knew that he should not mix in it, because it belonged exclusively to the courts and tribunals. The same must have been seen before him by Captain Carvell, and this is not only a presumption, but that he really saw it so for two days after applying to the Government, and before receiving a reply, he is met in the judicial field.

* Meaning that this is a fit occasion to.

In transcribing his note of 23d February, Mr. Jerningham calls the attention of the undersigned to it; and as the undersigned has already had the honour to reply to it, he will not now do more than, on his part also, call the attention of the Honourable Mr. Jerningham to that reply. Notwithstanding, as his Honor adds, that when he passed that note, he confidently expected that the Peruvian Government would attend to it without delay, the undersigned has to say that, in effect, he did attend to it as far as he could; for on the 27th of February he addressed an excitation to the judicial power to administer prompt and exact justice. If an order to that authority to embargo the property of the deceased Winder was not sent, it was because the Government could not legally do so.

Together with what the undersigned has just stated, he will reply to an expression which in various passages of the note of the Honourable Mr. Jerningham is to be read, and particularly in that which now occupies the undersigned. That expression is equivalent to the following: "if the Peruvian Government had no intention, if they would not accede to the solicitude," &c. The Government of Peru has not acted, nor does it act from inspirations of its will in the present matter; it has acted, and acts by the dictates of the law which it has to obey. If it was moved by the dictates of its will, only Mr. Jerningham would have been gratified in all his indications, which are not opposed to justice; but in a matter between parties, a matter in which a judge has to hear all the interested who wish to state their rights, the Government ought not to interfere, however much it may desire to please, by acceding to respectable indications; and there is to be added, that even though neglecting its duty, it should proceed to dictate steps in a judicial matter, those steps would be illusive, because in their proper place they would be combated by others interested, whose claims might be contrary to that of the party that had been favoured by the Government.

Mr. Jerningham will please to make still another reflection regarding this matter.

Certainly the Government could not advocate all the suit or all the suits of the testamentary estate of Winder; that is, it could not receive writings from all the interested parties, give copies, receive proofs, and pronounce sentences, and this being so, what would it signify in a suit one of the parties protected by acts of the Government when the others were dependent upon their own strength and only the decisions of the judge? Would this not be a chaos of judicial order, administrative and even social?

But the Honourable Mr. Jerningham continues stating, that if the Government had not the power to accede to his request, why did they not inform him immediately in writing? Captain Carvell should have known above all, that he had to ventilate contentious matters, and that these are ventilated before the judicial power; he had no reason to apply to the Government to tell him that those matters were not within its competency, and to direct himself to the corresponding authority; and if the Government did not immediately give him this reply, it did not fail in anything regarding his right, nor did it infer injury whatever. As for the rest, the undersigned has already stated on two occasions why he did not immediately reply to the note to which the Honourable Mr. Jerningham refers. Moreover, his Honor adds, that the not immediately replying on the part of the undersigned, left him and Captain Carvell under the impression that his request would be attended to, and that proceedings would be taken compatible with the faculties of the Government. The undersigned is happy to observe, that in this Mr. Jerningham was not deceived, neither was Captain Carvell, because the Government of Peru did attend to the solicitude, and proceeded according to its faculties. From here was the origin of the excitation to the judicial power, and the notice to the direction of the public credit of which the undersigned has already spoken. The hopes, then, of Captain Carvell have not been deceived, nor has he been injured in any way.

With much regret the undersigned proceeds to reply to another point of the note of the Honourable Mr. Jerningham, because he cannot entirely agree with the assertions of his Honor. Mr. Jerningham says, that when the undersigned had recovered from a melancholy event, and resumed his official functions, his Honor, after speaking of the danger in which the property of Winder was, earnestly urged upon him the necessity of apprehending Mr. Manuel Winder, and that the undersigned said that he would address a circular to the authorities (he believes he said judicial), so that Manuel Winder might

be arrested. His Honor adds, that he called the attention of the undersigned to the necessity that the interest of the bonds of the deceased Winder should be detained in the Consulado, and he believes he added that those bonds or vales should be embargoed, to which indications he states the undersigned assented.

It is with much regret, as he has already said, not to be able to accord with the assertions of the Honourable Mr. Jerningham; he cannot remember having offered to order (much less the judicial authorities), that Manuel Winder should be arrested; neither can he recollect having promised the embargo of the bonds of Winder, and the detention of the interest. If he had made these offers, Mr. Jerningham will be pleased to believe that he would, for the first time, have been inconsequent to his principles. Happily to save this conflict, there are in the same note of Mr. Jerningham, certain expressions of much signification. In the first place his Honor has said with much wisdom, that there are scarcely two persons who recollect the exact terms of a conversation. From this should be concluded that, if there is doubt regarding the terms in which the undersigned expressed himself in the promise, to which Mr. Jerningham alludes, that which on other occasions he has said with all clearness upon the same point should be adhered to. In the second place, the mention which Mr. Jerningham makes of judicial authorities, gives much space to believe that the undersigned, if he spoke of sending a circular for the apprehension of Winder, should indicate that that provision would have to emanate from the initiative of the judicial authorities; this is in conformity with the principles of the undersigned repeatedly declared. In the third place, and the most significant of all, is the conclusion of the passage to which the undersigned now adverts, which is conceived in the following terms. He (the undersigned) said that he would study the matter, or something to that effect, which left the impression upon the mind of the undersigned (Mr. Jerningham), that his Excellency would do what he could constitutionally in order to prevent the destruction of the personal property of the deceased, Mr. Michael Winder, by stimulating the judges in the fulfilment of their duty to obtain the arrest of Manuel Winder, and disposing that an opportune advice (not order) should be given for the suspension of the payment of interests, &c. With this conclusion, although there might be nothing else, appears cleared up, the conflict between the narration made by Mr. Jerningham of the offers of the undersigned, and the want of recollection respecting them; for in the end those offers did not produce in the mind more impression than that which agrees with what the undersigned remembers. With this it is to be believed that the Honourable Mr. Jerningham will be pleased to agree to abstain from continuing to discuss a difference as to matters of fact, of itself little pleasant, notwithstanding the great courtesy with which his Honor ventilates affairs.

Mr. Jerningham concludes in that part of his note, repeating in two paragraphs a charge made previously, and to which the undersigned has already replied in its respective place; therefore he will proceed to reply to another charge with which Mr. Jerningham continues. His Honor says, that the director of the public credit received very late the notice which the undersigned addressed to him of the claims respecting the bonds of Winder, so that if it was incumbent upon him, he might take some precautions. To this delay he attributes in a great measure, if not wholly, an injury which he says Carvell has received in having amortized 60,000 dollars of bonds of Winder. To the same notice, although late, he attributes the having retained the interest of other bonds of Winder. This requires some explanation. The undersigned addressed a notice on the 27th February. He heard on the 2d of the current April, that the director of the public credit had not received it; it was duplicated, and was immediately received, at the time when they were about to proceed with the payment of interests. Previously, that is, between the last day and the 27th of February, the amortization of bonds had been made. On this account Mr. Jerningham believes that if the interests were not paid, it was in consequence of the notice from the ministry; and if the 60,000 dollars of bonds were amortized, it was because that notice did not arrive in time. The undersigned will later speak of the delay of the notice: he has now to advert, that the suspension of interest was not made in virtue of the notice of the ministry, but in obedience to a judicial order which Captain Carvell requested, which is as it should be, that without this order the interests would have been paid, notwithstanding the notice referred to, and that consequently, although this notice might have arrived at the office of the public credit before the amortization of the bonds, this other operation would have also been effected in spite of the notice, because the head of that office knows that to proceed to embargo bonds, regarding which there is any question, he has to obey judicial orders only. It is to be reduced, therefore, that Carvell, to embargo the bonds in question, should have obtained an order of the judge, of whom he obtained that for the suspension of interests, and that if he did not do so, to him is to be imputed the injury which he says he has suffered, and not to the delay of the notice so many times repeated. Notwithstanding this delay being so insignificant as it is, the undersigned has the pleasure to state to the Honourable Mr. Jerningham that it has not proceeded, but from some oversight of very subaltern employés. The letter-carrier of the ministry asserts that he delivered the note in question at the office of the Public Credit; there it is sustained that he did not deliver it, and each one of the parties insists in his statement, without any proof being obtained from either one or the other. When the undersigned was informed of this, he duplicated immediately the note, and it reached its destination before the commencement of the payment of interests.

This is, then, what has occurred in this place regarding the reclamations of Captain Carvell. The undersigned promised that he would do what he could constitutionally.

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He received reports, informed himself of the business, saw that he could not constitutionally do more than recommend prompt and exact administration of justice, and he addressed to the judicial power this excitation. He did more; he addressed a notice, which he ought not, but which he was not prohibited to do, to the Office of the Public Credit: this notice had no influence whatever, because it should not have in a contentious matter, and to the insignificant delay of this same notice, and not to his omission to apply to the competent authority, Captain Carvell attributes the amortization of bonds which he states has injured him. The undersigned begs the Honourable Mr. Jerningham, in considering this charge, not to forget that the Government could not constitutionally decree the sequestration which, in making the same charge, 'tis said it ought to have ordered to prevent the amortization of the bonds.

The Honourable Mr. Jerningham supports this claim, stating that the amortization was executed by the director, a functionary of the Government, in the presence of a notice published in the "*Comercio*," specifying the numbers of the bonds, which act is a contravention of the laws of the country. To this the undersigned has not more to say than that, according to the nature and conditions of the Consolidation Bonds, according to the regulations of the case, and according to antecedents, the amortization of the said bonds should not be embarrassed by newspaper notices, but by orders of competent judges, on account and risk of those who may request the embargo.

The Honourable Mr. Jerningham reproduces the idea, that the undersigned stated to Captain Carvell in person that he had given instructions for the retention of interests. Without doubt Captain Carvell has told him (Mr. Jerningham) so; but no: when this captain saw the undersigned in person, on the evening of the 2d instant, he said that the Consolidation Office was not forewarned. The undersigned replied that that office had the warning which the undersigned could give; but that he (Captain Carvell) if he desired the retention of the interests, should apply very early the following day to the judge of the cause. If not, why did Captain Carvell go to the indicated judge? Why did he not remain tranquil, with the warning to which the minister alluded?

With all that has been said in this respect, the undersigned does not doubt that the Honourable *Chargé d'Affaires* will be convinced that the Government of Peru cannot constitutionally, nor has it contracted the duty, of taking the measure which his Honor has been pleased to indicate, that of causing the amortized bonds to be restored immediately to the testamentary estate of Winder. In the sense of these last words, the measure would not only be an unconstitutionality, but in judicial order would amount to an offence.

The undersigned cannot conclude this note without replying, if only in a few words, to a charge which appears to be raised in various parts of that of the Honourable Mr. Jerningham. This charge, it appears, can be reduced to this expression. That because the Government of Peru did not reply immediately, that Carvell should apply to the judicial power, it is responsible for the damages Carvell may have suffered for not having immediately applied to the judges. The undersigned is happy to believe that the Honourable Mr. Jerningham will not find it strange, under the principles of right, and the practices constantly followed, that he sets down in this case, and for other similar ones that may occur, that the Government is not in duty bound to address itself in its affairs to foreigners who may visit the country; that, consequently, Captain Carvell ought not to await the reply of the Government in order to apply to the judicial power to ventilate his contentious affairs. Captain Carvell himself, without doubt, has so understood it; for, as the undersigned has already noted, two days after applying to the Government, and without its reply, he was litigating in the judicial court. In respect of this, in one of the passages to which the undersigned alludes, Mr. Jerningham states thus: "On the last date it was that his Excellency wrote his note, ordering that Mr. Carvell should apply to the tribunals of the country." The undersigned begs his Honor to be pleased to observe that Captain Carvell has not applied to the tribunals by orders of the Government, but from the disposition of the law.

With all the courtesy that distinguishes his Honor, he makes, at the end of his estimable note, a species of recapitulation which the undersigned cannot but regret. His Honor says, that he laments to observe that the Government of Peru, which is bound by its treaties to protect British property, should manifest repugnance, and not give a frank and loyal protection when solicited by his Honor, who, if he is an humble person, is the representative of a great and friendly power. Peru, not so great as Great Britain, but of a great future, and a friend of that noble power, has her laws as respectable as those of all nations, great or small, and has a Government which must act according to them, with the native and foreigner. This Government, loyal in the fulfilment of its treaties, as it has given a recent proof to Mr. Jerningham, will give to British subjects the protection it can in all that they may not attempt to invert the legal order of the nation, as Captain Henry de Wolfe Carvell has attempted to do.

The undersigned has the honour to conclude with this protest, as well as to renew to Mr. Jerningham the assurance, &c.

(signed) *José Fabio Melgar.*

— No. 6. —

(No. 22.)

Mr. *Jerningham* to the Right Honourable Lord *John Russell*.

My Lord,

Lima, 28 May 1861.

I BEG to forward to your Lordship, by the wish of Captain Carvell, executor to the will of Mr. Michael Winder, certified copies of various depositions made on oath before me at the British Legation in Lima.

The two first have relation to information which the two persons, whose names are therein given on oath, adduced respecting Don Manuel Winder, whom Captain Carvell has been so desirous to apprehend.

From the information sworn to, as above, respecting the whereabouts of Winder, Captain Carvell went to a judge, named Carrillo, and obtained a warrant, which was so made out that he himself was authorised to accompany the officer, Captain Villar, charged with the execution of it.

When everything was arranged, Captain Carvell intimated to the police officer that information on oath had been given to him that Manuel Winder was hidden in the house of Judge Ponce, and that he and his party must go with him there to search for this individual.

As to what happened on that occasion, I beg to inclose, for your Lordship's information, certified copies of depositions on oath made before me at the British Legation

Captain Carvell has presented a petition to the Supreme Court, giving an account of the whole affair to that court, and requesting that Judge Ponce be suspended.

This has elicited publications in the newspapers from that gentleman's pen; also from Señor Panizo and Captain Villar.

I have, &c.

(signed) *Wm. Stafford Jerningham*.

The Right Hon. Lord John Russell,
&c. &c. &c.

Enclosure 1, in No. 6.

(Translation.)

I, *José Buendía*, native of Lima, and residing in the same city, do hereby declare: That I have seen Manuel Winder (the natural son of the late Mr. Michael Winder), at the house of Señor Doctor Don Luis Ponce, Judge of "First Instancia," and living in the house called of "Señora Mata," in the "Calle del Chirimoyo;" and that I have seen him there on Thursday, the 9th May instant, in the company of Mr. Manuel Panizo.

Sworn and declared in the presence of Her Britannic Majesty's Chargé d'Affaires, in this city of Lima, this 13th day of May 1861.

(signed) *José Buendía*.

Deposed on oath in the presence of the undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul General in Peru, this 13th May 1861.

(signed) *Wm. Stafford Jerningham*.

Enclosure 2, in No. 6.

(Translation.)

I, *Manuel Buendía*, native of Lima, and residing in the house of Doctor Don Luis Ponce, do hereby declare: That Manuel Winder (the natural son of the late Mr. Michael Winder) is actually living on this day, the 13th May 1861, in the house of the said Doctor Don Luis Ponce, Judge of "Primera Instancia" of Lima, and that I have seen him there.

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The said Manuel Winder has been living in that house now nearly seven weeks; I likewise have lived in it during all that time, and saw him there every day.

Sworn and declared in the presence of Her Britannic Majesty's Chargé d'Affaires, in the city of Lima, this 13th day of May 1861.

(signed) *Manuel Buendia.*

Deposed on oath in the presence of Her Britannic Majesty's Chargé d'Affaires and Consul General to Peru, 13th May 1861.

(signed) *Wm. Stafford Jerningham.*

Enclosure 3, in No. 6.

COPIES OF DEPOSITIONS.

I, *Henry de Wolfe Carvell*, do hereby declare: That, in consequence of information sworn at the British Legation in this city of Lima, on the 13th day of May in the year of our Lord 1861, before the Honourable William Stafford Jerningham, Her Britannic Majesty's Chargé d'Affaires and Consul General, "That Manuel Winder (the illegitimate son of the late Michael Winder) was secreted and living in the house of Señor Doctor Don Luis Ponce, one of the Judges of 'Primera Instancia' in this city." I proceeded the same afternoon of the 13th May aforesaid, to the Court of Señor Doctor Don Guillermo Carrillo, to whom I stated the circumstances, and requested a fresh warrant for the apprehension of the said Manuel Winder, and that the most efficacious means might be employed to secure him, as in consequence of the supineness and connivance of the police, more particularly the latter, he had hitherto managed to escape.

I stated to the judge, "that to give the order to the police to execute in the ordinary way would simply be to allow the criminal to escape, as they (the police) were certain to send him word that they were about to apprehend him;" and I requested the judge to give me a warrant and place police at my disposal, and said I did not wish to disclose where he was until I was ready and in a position to secure him.

Judge Carrillo expressed his indignation at the manner in which the police neglected their duty, entered into my views, and gave me an order to take to the "intendente" of police, couched in very strong terms, stating in the said order that I was to be present and assist at the apprehension of the criminal, and further stated the grave responsibility incurred by the police if they allowed him to escape.

At 7:30 P.M. the order was presented to the "intendente" of police (Baquero), who then sent it by a subaltern officer to Captain Villar, with instructions to place himself under my orders, and proceed to apprehend Manuel Winder. Accompanied by Mr. Lauezzari, a well-known merchant of this city, my secretary Mr. Delboy, my courier Mr. Gillard, Captain Villar, and some half-dozen police, we took carriages, and started from the Main Plaza. As we were going along I quietly informed Captain Villar that the criminal, Winder, was secreted in the house of Judge Ponce (which was in a distant part of the town), and that thither we were going.

He replied that he knew the house, and would take efficacious measures to prevent his escape. When we arrived within 200 yards of the house we stopped, and, getting down from the carriages, proceeded on foot, and, on arriving at the house, silently placed persons at the entrance, at the back of the house, to prevent escape by that way.

When this was effected, accompanied by Captain Villar, and one or two subalterns of police, and Mr. Lauezzari and my secretary Mr. Delboy, I entered the large gate leading from the street into the court-yard, and walked across it towards the front door, the distance being about 15 yards, more or less; all was quiet until we were about halfway across the court-yard, when we were observed by those within the house (as the upper part of the large door is glass); there was a cry of "police," and in an instant all was confusion and disorder in the room.

We hurried forwards, and Captain Villar and another police officer, accompanied by myself, entered the house together, some others remaining at the door at about three paces from us.

We had advanced about two paces into the large room into which the front door opens, when Judge Ponce rushed from an adjoining room with a large horse-pistol in each hand, and, placing himself before me, presented them at my breast, at about one yard distant from me, and standing between me and the door leading to the room from whence he had just rushed out.

When he presented the pistols at me he said, in a loud voice, and in a most savage manner, that if I advanced a foot he would send two balls through me, and lay me dead at his foot, and ordered me to leave the house immediately. His pistols were at full cock, and his fingers on the triggers at this moment.

I said that I would not go out; that I was there by the order and power of the law, and appealed to the order and to the presence of the police in uniform. Captain Villar said that I was there legally, and held up the order before Judge Ponce. He said he would not obey any order; that he was a judge, and one of the authorities of the country, and that he would not allow any Englishman to enter his house.

I again appealed to the judicial order and to the presence of the police-officers, and said

that they must search the house. The Judge Ponce swore vehemently they should not; said that he was a judge, and they should obey his orders; that they were breaking the law and the constitution, and that he would have them severely punished the next day.

I pointed to the room from which Judge Ponce rushed out when we entered the house (and where I had every reason to believe Winder was at that moment, from positive information given to me to that effect a few seconds before I entered the door), and told the police to do their duty, to enter the room and bring out the culprit; but the rage and threats of Judge Ponce seemed to have frightened and paralysed Captain Villar, and he stood still and continued a discussion with Judge Ponce, the latter being in a dreadful rage, and refusing to comply with the order.

Judge Ponce was assisted in his opposition to the warrant, myself, and the police, by Señor Panizo. This same Panizo, whom we found on the premises and in the house of Judge Ponce, having been most active in the assistance he gave Winder when he first absconded, and who has generally been recognised as an accomplice.

The parley, from the time we entered the house, had lasted about one minute and a half, during which time the judge had increased the distance between himself and me to about three yards.

When I saw the police would not make any effort, I said I was acting lawfully and by authority, and that I would enter the room and bring him out myself, and made a step towards the door of the room, and called upon Captain Villar to support me. Judge Ponce sprang forward and placed his pistols within two or three feet of my head, making use of terrible execrations, and in a furious rage and foaming at the mouth, swore that unless I instantly quit the house he would fire upon me; at the same time calling loudly to his servants to arm themselves and come to his assistance.

He advanced upon me as I took a pace backwards; and with his pistols at full cock, and his fingers on the triggers, swore that he would shoot me down there and then, if I did not immediately quit the house. The police officers instead of lending me assistance begged me to go out, and finally ordered me out (as they afterwards said, to save my life).

Finding no support, and two pistols aimed at me by a man in a furious rage, and foaming at the mouth with passion, I was forced to retire, which I did by stepping backwards, Judge Ponce continuing to advance upon me until I was outside the door. There were several policemen armed with carbines, in the court-yard and close to the door; but no use was made of them, nor were they called upon by the officer in charge.

About 10 or 15 seconds after I was forced out of the house, the gas was turned off, seemingly at the main-pipe (as all the lights on the premises were extinguished at the same moment) the house being left in complete darkness; the police officer in charge only being permitted to remain; where, with Judge Ponce, Señor Panizo, and others belonging to the house (seemingly servants) they remained in the dark for about two minutes and a-half, more or less, during which time there seemed to be much confusion inside the large front room, and people heard rushing about in the dark.

In about two minutes and a-half, the gas was again lighted in the front room, and I entered it, when Judge Ponce ordered me out; but this time without presenting his pistols.

I replied, that I knew the gas had been put out to favour the escape of the criminal (Winder), but that I had all the exits from the house guarded, and knew him to be still on the premises, and that I should search it throughout. He swore I should not, but that Captain Villar might walk through the rooms; I said that the order was plain, that I was to take an active part in the capture, and that I should go through the house.

Captain Villar said, that Judge Ponce would not permit it, and I was again compelled to go out by the orders of Judge Ponce, seconded by Captain Villar, who then accompanied by Ponce proceeded to search the rooms (as they said).

To the best of my belief, Winder escaped to the back part of the house, during the time the gas was extinguished, and the house in darkness. Those stationed at the back entrance in the yard, where there were some low rooms, came immediately and informed me, that they were sure Winder had taken refuge in one of these rooms; as they had heard it open, then closed, subsequently locked, and then fastened outside by some person who suddenly disappeared in the dark; and that Captain Villar and Judge Ponce did not open that door, nor enter that room.

I requested Captain Villar to assist me, as I knew that the thief was on the premises, and that I wished particularly to search the room referred to.

Judge Ponce commenced again his violent language; and Captain Villar said, that the house had been searched, and that was all that he would allow to be done.

When they returned from walking through the rooms, I observed a change in the conduct of Captain Villar. He had at first shown some little disposition to take the criminal, but after having been with Judge Ponce, whilst walking through the rooms together, now showed a spirit of complete opposition, and would not allow me to take any measures to secure the criminal for whom we were in search; but ordered the party under his charge to their quarters.

I remonstrated against the scandalous conduct of the police, and expostulated with Captain Villar for his conduct, and appealed to him to take the prisoner, but without effect.

Judge Ponce broke out into torrents of abuse and personalities; said that he had already been the means of annoying me, and that he had induced a person to bring a claim against me for 170,000 dollars, and that he would be the means whereby I should lose 500,000 dollars; taking at the same time some silver coins from his pocket and dashing

dashing them with violence on the table, saying as he did so, "I can buy as many evidences as I want for four reals each." He was assisted by Señor Penizo (above alluded to) in his resistance to the judicial order, the police and myself, and in the protection he afforded to the criminal Winder. Panizo exclaimed, "Winder is my friend, and I will not allow him to be taken, nor would I tell where he is if I knew." I requested Judge Ponce to give me back the order of which he had possessed himself, but he refused; I said, that the order was not his, and appealed to Captain Villar, who informed Judge Ponce that he must give it up.

He said, he would take a copy, and Señor Panizo wrote a copy of part of the order, and then Judge Ponce handed the original to Captain Villar.

Judge Ponce still continued in a very agitated state, and breaking out into a fury, and turning to me said, "I am a Chamboñ," and "am very sorry I did not shoot you, as you entered the house;" and turning to Mr. Lauzzari, repeated the same words, heaping abuse on foreigners.

Seeing that nothing would be done, I left the house and returned to my hotel; the officers and their party leaving at the same time.

When we were about 200 yards from the house, a person came running after us, and approaching Captain Villar, said, "Judge Ponce wants you," when he left us and accompanied the messenger, and I did not see him again.

When the officer in charge left with the messenger there was a low laugh amongst the police, and some one remarked, "I know what he has gone back for."

The police did not exercise either ordinary energy or activity, and they were opposed in the execution of their duty, and intimidated by Judge Ponce, with arms in his hands, raised in opposition to and in violation of the law; and by threats and oaths to take my life, and with pistols presented at my head by the said Judge, I was not permitted to carry out the judicial order for the apprehension of the criminal Manuel Winder.

On the morning of the 14th, Lieutenant Don José Manuel Bazan (one of the police officers who accompanied me to the house of Judge Ponce the evening before) came to my room, and told me that he considered the conduct of Judge Ponce the previous night was outrageous and scandalous, and that he (Bazan) was well satisfied that Manuel Winder was on the premises when we left the house the night before; and that if he were called upon, he would state the facts of the case, but did not wish to come forward voluntarily, as he might incur the displeasure of the authorities; but that if he were summoned as an evidence, he would state the truth about the whole affair.

During the forenoon I reported everything that had occurred, to Señor Doctor Don Fejeda, who said it was important that the witnesses should be examined, and sworn declarations taken, as, unless it were done immediately, they would, in all probability, be either bribed or intimidated.

Doctor Fejeda at once wrote out an application to the "Corte Superior," stating the importance and urgent necessity that the declaration of Lieutenant Don José Manuel Bazan should be taken at once, and which application I presented to the court the same afternoon, at 2.15 p. m., with a request that it would be acted upon at once. The answer I received was, "It is too late, but it will be attended to to-morrow." Accordingly, next day, the 15th, I called at the court, but was told that the application was sent to the Fiscal for his opinion.

I replied that it was not an opinion I wanted, but the sworn declaration of Lieutenant Don José Manuel Bazan to be taken, and that I could not conceive for what purpose they wished to send the application to the Fiscal.

They said it should be done next day. Accordingly I called next day, and still the same answer, that it would not be taken until they had the opinion of the Fiscal.

Up to this moment, notwithstanding all the efforts I have made, I have been unable to get the sworn declaration of the said Lieutenant Don José Manuel Bazan, taken by any of the Peruvian authorities, and on application am referred to the "Corte Superior;" and the said Corte promised to take the declaration referred to, but has not done so, nor can I positively swear what are the motives which have induced its delay.

I further depose, that about 20 or 30 seconds before I entered the house of Judge Ponce, a person who lived on the premises came out and informed Captain Villar and myself that Winder, Judge Ponce, and Señor Panizo were at that moment together engaged in conversation in the room adjoining the large front "salon." The person who gave this information was largely interested in the reward of 2,500 dollars which had been offered to any one who should give information which would lead to the arrest of the said Winder.

When I entered with the police, Judge Ponce and Señor Panizo rushed out of the room indicated, and proceeded as before stated.

(signed) *Henry de Wolfe Carvell.*

Deposed on oath, this 21st day of May 1861, in the presence of the undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul General to Peru.

(signed) *Wm. S. Jerningham.*

(A true copy.)

W. S. Jerningham.

I, *Cesar Delboy*, native of Lima, "Peru," do hereby swear and declare, at Her Britannic Majesty's Legation, in this city, in the presence of Her Britannic Majesty's Chargé d'Affaires and Consul General: That on the 13th of May 1861, I proceeded in company of Captain Henry de Wolfe Carvell, Mr. Lauezzari, and William Gillard to the Intendant of Police, "Caronel Baguero," so as to present to him an order given on that day by the Judge, Doctor Don Guillermo Carrillo, for the apprehension of Mr. Manuel Winder.

At about 7.30 p.m., we presented to him the said order, and after having signed it, he then gave it to a police officer, directing him to go with us to Captain Villar, in the "Calle de San Agustin," hand him over the order, and tell him to go with us wherever Captain Carvell might direct, and give him any force he should demand.

After reading the said order, Captain Villar assembled some five or six policemen, and in company of two officers we all proceeded to the "Plazo-Mayor." Here we hired two carriages, and said to Captain Villar that we were going to apprehend Manuel Winder, who was actually concealed in the house of Doctor Don Luis Ponce, in the "Calle del Chirimoyo." He said that he knew the house, and would take every possible measure to apprehend Mr. Manuel Winder.

We arrived at the house at about a little more than a quarter to eight o'clock, and when an officer and two policemen in company of Gillard had managed to go through the "Callegon," and secured the back door of the house and the entrance into the orchard, Captain Carvell, Captain Villar, one officer, and Mr. Lauezzari, we all entered through the large court-yard; Captain Carvell and Captain Villar advancing the first, so as to show the order and proceed to the search. At about 15 yards distance, more or less, from the door of the "sala" we were observed by those within the house, and in an instant every one disappeared. On Captain Carvell, Captain Villar, and another police officer entering the room, Judge Ponce came out from an adjoining one, with a pair of large pistols (one in each hand), and presented them at Captain Carvell's breast, saying to him to retire; that he would not allow any foreigner to enter the house, and that he would fire at him if he did not leave the room. On Captain Carvell refusing to leave the room, and appealing to the order issued by Judge Doctor Don Guillermo Carrillo, Judge Ponce said that he would never search his house, that he was a judicial magistrate, and an authority himself, and that they were breaking the constitution of the country.

In spite of all these threats, Captain Carvell advanced forwards, and urged Captain Villar to search the house with the police he had with him; but again, for the second time, he was impeded, and Judge Ponce presented himself before him with a pair of pistols, and in a great rage and fury told him that if he did not retire he would shoot him, calling at the same time on his servants to arm themselves.

Captain Carvell having left the room on the order of Captain Villar, I then wished to enter it, but was served in the same manner, and ordered out by Judge Ponce, Captain Villar remaining alone with him in the room.

Suddenly, in a few seconds' lapse, the gas was extinguished in the front rooms; it was lighted up again in two or three minutes afterwards, and we all entered the room. Captain Carvell then told to Captain Villar that he ought not to have lost all that time in speaking with the judge; that after showing him the order, he ought to have executed it himself, by searching the house with the policemen which he had brought with him, and apprehend Manuel Winder; but still did he remain inactive.

At last, Judge Ponce consented to Captain Villar searching the house; and accordingly (and after he had ordered the policemen stationed at the back part of the house, together with Gillard, to retire) he took him round some of the rooms, and returned during the course of four or five minutes, accompanied with another police officer, and saying they had discovered no one. Judge Ponce then said, that his major-domo being out, he had taken with him the keys of the dining-room and kitchen, and that those rooms had not therefore been searched by Captain Villar.

Judge Ponce likewise said, in addressing himself to Captain Carvell, that he was a judge of Peru, and an authority in the country; that Captain Carvell having inherited a sum of 500,000 dollars, he was soon going to see how he was going to lose them all, through the mere fact of having come to his house; that he was worth himself 200,000 dollars, and was a gentleman; and that he was actually engaged in a law-suit against the testamentary of the late Mr. Michael Winder for 170,000 dollars (I believe); and that he would take prompt steps to-morrow to punish him.

I must likewise remark, that during all the time we were at the house Señor Panizo remained there, and in answer to some remark from Mr. Lauezzari, said that it was true he was a friend to Manuel Winder, and should he know where he actually was he would never say.

I must likewise remark and finish by saying, that in conformity with a judicial order from one of the principal authorities in the country, Judge Ponce ought, I believe, to have submitted himself to it; the more so, as decreeing the law himself in such cases, he ought likewise to be the first to obey its dictates and facilitate its execution; and as to Captain Villar and the police present there, I must likewise say, that not a very sufficient energy was shown by them as ought to have been the case under the present circumstances, and
not

not to have waited for Judge Ponce to conduct them through the house when, perhaps, the delinquent, if existing there, had already effected his escape.

Signed by me, this 21st day of May 1861, in the presence of Her Britannic Majesty's Chargé d'Affaires.

Cæsar Delboy.

Deposed on oath, this 21st day of May 1861, in the presence of the undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul General to Peru.

(signed) *Wm. Stafford Jerningham.*

(A true copy.)

(signed) *Wm. Stafford Jerningham.*

I, *William Gillard*, aged 21 years and upwards, native of Denmark, do hereby declare : That, on the 13th of May 1861, about seven o'clock, p.m., Captain Carvell called on me to follow him; I found in his company Mr. Lauezzari and Mr. Delboy; we went to the Intendente of Police, and from there to Captain Villar, in the Calle St. Agustin; from there we went in company of Captain Villar and two more police officers and some policemen to the Main Plaza, where we all got into carriages, and drove for 15 or 20 minutes, where we then stopped, about two squares distant from Judge Ponce's house; we all got out, and after a short conversation at the corner of Judge Ponce's house, we all entered the gate; myself and one of the police officers, with two policemen, went to the back part of the house, where there is a large yard. We were placed there in order to prevent Manuel Winder from escaping that way. After having been there a few minutes, a black man came running into the yard, with a large stone in his hand, which we made him throw down.

Soon after, a boy came running, and went to the left side of the yard, where he locked a door, and disappeared in the dark. At the moment, I discovered a man near us with a very large bludgeon in his hands, but he suddenly disappeared also.

About 10 minutes from the time I entered the yard, Judge Ponce and Captain Villar came out into it, followed by a woman. As soon as I observed that Captain Carvell was not amongst them, I stepped forwards from the corner where I had taken up my position, with the intention of following Captain Villar in search of Manuel Winder; as soon as Judge Ponce saw me, he ordered me out of the yard; but as I did not obey his order, the woman told Captain Villar to order me out, which he did directly.

I moved off, appearing to obey; but instead of leaving the yard, went to the corner where I had stood before, and remained there to observe their proceedings. They went down a passage to the right, leading from the back yard, returned, and crossed the yard, and went to a door on the left side, where they stopped; and Judge Ponce said to Captain Villar that the major-domo had the key, and was out; on which they turned away, and neither opened the door nor entered the room.

I observed Mr. Panizo standing in the doorway leading into the house from the back yard; and as Captain Villar turned away from the door of the room (that they did not enter), I saw Mr. Panizo, and heard him laugh in a chuckling manner. I was only four yards from him at the time, but he did not see me or know that I was there. They then entered the house the same way they had come out.

There might have been a dozen persons concealed in that part of the house without ever having been discovered in that way which Captain Villar proceeded. I next returned to the front door of the house, where I saw Judge Ponce in a furious rage, and throwing some money on the table; and shortly we departed. But I was still perfectly confident that Manuel Winder was in the house of Judge Ponce. After we had proceeded a short distance from the house, a man came running after us, and called Captain Villar back, for what purpose I don't know.

As a courier, having travelled for many years in Europe and North America, I depose that I never saw any police authorities show so little care in searching a house where a thief was concealed, even in cases of trivial importance. I have been present where houses have been searched by the police in several towns in Europe, but it was always done in a very different manner from that pursued on this occasion, which was in truth but a pretended search, and no more.

I saw that Captain Villar did not his duty as he ought to have done, and that there was more opposition than assistance shown to Captain Carvell by the police officer Villar.

Signed by me, this 21st day of May 1861, in the presence of Her Britannic Majesty's Chargé d'Affaires.

William Gillard.

Deposed on oath, this 21st day of May 1861, in the presence of the undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul General to Peru.

(signed) *Wm. Stafford Jerningham.*

(A true copy.)

(signed) *W. S. Jerningham.*

I, *Alexander Lauezzari*, native of Hamburgh, do hereby declare having assisted and accompanied, on the night of the 13th May 1861, Captain Henry de Wolfe Carvell and friends into the house of the Judge, Doctor Don Luis Ponce, together likewise with Captain Villar and some police, so as to apprehend Mr. Manuel Winder, who (according to the information of some servant living in the house) was actually concealed in the house of the said Judge Ponce.

At arriving into the house of Judge Ponce we were received in the most scandalous way, and had it not been for Captain Villar's intervention there would certainly have happened a catastrophe, as Judge Ponce received every one with a pair of large pistols (one in each hand), and saying, that if they did not leave the room he would shoot us.

This extraordinary conduct on the part of Judge Ponce undoubtedly confirmed the information given us that Manuel Winder was concealed in his house. After opposing himself to execute the order immediately, he found a way by putting off all the lights for some minutes, to let Winder effect his escape.

The search of the house was afterwards only executed by Captain Villar and some officers, accompanied by Judge Ponce, notwithstanding that the order expressed that Mr. Carvell should enter and search himself the house, together with Captain Villar.

I likewise met in the house at the time Señor Panizo, who seemed rather perplexed at such a visit, and at the same time I beg to confirm that everything mentioned in the article published on the 17th instant in the "Comercio" by Mr. Henry de Wolfe Carvell is true.

Signed by me this 21st day of May 1861, in the presence of Her Britannic Majesty's Chargé d'Affaires.

Alexander Lauezzari.

Deposed on oath this 21st day of May 1861, in the presence of the undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul General to Peru.

(signed) *Wm. Stafford Jerningham.*

(A true copy.)

(signed) *W. S. Jerningham.*

(Translation.)

I, *José Buendia*, native of Lima, "Peru," 40 years of age, and late a lieutenant in the Peruvian army, and brother to Manuel Buendia (who has this day made a declaration, before Her Britannic Majesty's Chargé d'Affaires, in this city of Lima), do hereby declare, that on Sunday, the 19th May 1861, Judge Doctor Don Luis Ponce, having ordered the apprehension of my brother Manuel, whilst in the "Plaza de Acho," and inquired of him for me. I find myself under the necessity of putting myself in safety, with a view to preserve my life, as likewise to come and ask for English protection, until that time that the affair of Manuel Winder's concealment in the house of Señor Doctor Don Luis Ponce be explained.

(signed) *José Buendia.*

Deposed on oath in the presence of the undersigned, Her Britannic Majesty's Chargé d'Affaires, and Consul General to Peru, this 21st May 1861.

(signed) *Wm. Stafford Jerningham.*

(Translation.)

I, *Manuel Buendia*, native of Lima, "Peru," 34 years of age, do hereby declare, that I was in the house of the Judge Doctor Don Luis Ponce on the night of the 13th May instant, when the police entered it, in company of Captain Villar, Captain Henry de Wolfe Carvell, and other gentlemen.

That on entering the said house I met them at the street-door of the house belonging to Señor Doctor Don Luis Ponce, as we had arranged on that same day. I told them that Manuel Winder, Judge Ponce, and Señor Panizo were actually conversing together when Mr. Carvell and the police entered immediately.

That, on the night of Thursday, the 16th instant, whilst I was in my bed, in a room of the house belonging to Judge Ponce, and where he resides, and whilst I was in the company of a lad named Martin, the said Judge Ponce knocked at the door of the room, about 11 o'clock at night, and, ordering the lad Martin to open it, he entered the room with a pair of pistols, one in each hand, and, advancing towards me, said, "I do not shoot you, rascal, and then bury you in the orchard, as I am a gentleman;" at the same time accusing me of having denounced him, and informed that Manuel Winder was in his house, and ordering me to immediately leave the house, which I did at once.

That on Sunday, the 19th instant, on coming out from the "Plaza de Acho," and at the foot of the stairs, I met the Señor Judge Ponce, Señor Panizo, and Señor Conroy likewise, coming away from the "Plaza de Acho." Immediately they saw me, Señor Panizo advanced towards

towards me, and said that Dr. Ponce wanted me. I went to him in company of Señor Panizo, and when I had done so, Judge Ponce gave me in charge to some soldiers who were there, and told them to take me to the barracks of the hussars.

They first took me to the palace, and as there was no one with whom to leave me there, they afterwards took me into the house of Colonel Távala, in the "Calle de Tarate."

Colonel Távala was dining at the moment, and ordered them, therefore, to take me into the barracks. They proceeded to do so; but on passing through the "Calle de las Descalzas" I took to flight, and ran into the house of the Señor Canonigo Garay, in the same street.

Señor Panizo used to visit Manuel Winder every day in the said house, and the room inhabited by the said Winder was that on the left, and the very same from which Judge Ponce came out, with a pair of pistols in his hands, on the night of the 13th instant.

Lastly, I must say, that in consequence of these incidents, and events already cited above, I find myself in great fear for my life, as some men exist in the house of Dr. Don Luis Ponce of a very bad character, and the same who are deserters, and I have no doubt but that they would execute any order which would tend to take away my life; and under these circumstances, I therefore pray and ask for protection from Her Britannic Majesty's Chargé d'Affaires.

(signed) *Manuel Buendia.*

Deposed on oath, in the presence of Her Britannic Majesty's Chargé d'Affaires and Consul General to Peru, this 21st May 1861.

(signed) *Wm. Stafford Jerningham.*

— No. 7. —

(No. 26.)

Mr. Jerningham to the Right Honourable Lord John Russell.

My Lord,

Lima, 11 June 1861.

I BEG to have the honour to forward to your Lordship, by the wish of Captain Carvell, who came out to Peru for the purpose of executing the will of the late Michael Winder, copy of a letter which he has addressed me, stating that, in consequence of ill health, as shown by copy of Doctor Maclean's Certificate, in which it is said that, if he does not change climate for some weeks, his life may be endangered; he had recourse to my interference in order to obtain for him, from the Peruvian Government, permission to travel for a change of air (indispensable, as he adds, for the preservation of his life).

Such being the case, I wrote to Señor Melgar a note (copy of which is herein enclosed), requesting his Excellency to cause this permission to be granted, adding that Captain Carvell undertook to give his *parole d'honneur*, as a British officer and gentleman, to return to Lima when his recruited system permitted, and his presence be required to meet any charge that might be brought against him.

To-day I received an answer to my note from Señor Melgar, copy of which I beg to annex, stating that the Peruvian Government could not interfere in the matter, and referred Captain Carvell to the judicial tribunals who had put him under "arraigo," that is, confining him to the city of Lima, on account of the lawsuit with parties concerned in Michael Winder's will.

His Excellency therefore gives me to understand that for this "arraigo" to be suspended or taken off, application must be made to a judge, and an "apoderado" named to act for Captain Carvell during his absence.

I have communicated to Captain Carvell the contents of Señor Melgar's answer, in order that he may take those steps which he may deem proper.

I have, &c.

(signed) *Wm. Stafford Jerningham.*

The Right Hon. Lord John Russell,
&c. &c. &c.

P.S.—I have just received a note from Captain Carvell, respecting Señor Melgar's answer, which I also annex.—*W. S. J.*

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

Enclosure 1, in No. 7.

Sir,

Lima, 6 June 1861.

As you are already aware, I came to Peru for the purpose of discharging the important duties imposed on me by Her Majesty's Court of Probate of Westminster, touching the private property (exclusively English) of the late Michael Winder, a British subject, who died in London, where he had resided, and made his last will and testament in the year 1860.

As my duties were purely administrative, and sought in no wise to affect or interfere with Peruvian property or Peruvian laws, I naturally concluded the Peruvian Government would have afforded me its assistance (if required) in the execution of my functions, and that my return to England would be speedy and unobstructed.

In each particular have my hopes been miserably disappointed. The Peruvian Government bound by treaty with Great Britain, as well as by solemn promises to you and me, and, as a Government, to society at large, to effect the simple object of preserving property within the walls of the city from plunder and robbery. Not only did the Peruvian Government disregard its obligations, but by flagrant neglect of stipulated engagements actually facilitated the perpetration of the crimes they were pledged to avert.

My expectation of being able to effect an early return to Europe has been frustrated, not only by the misconduct of the Government, but by the outrageous abuse of power, on the part of a judge over a British subject, who up to this hour has violated no law of the country, unless, indeed, it be esteemed violation thereof to invoke (although in vain), the execution of the laws, as written in the national code.

For doing this, and endeavouring to discharge my sworn duty respecting property exclusively British, over which British law only has or can have control, I have been placed by this judge under arrest, and am prohibited and unable to leave the country or the city of Lima. Nor is it solely that I have been denied by the Government and the judicial authority that real assistance which each was bound to render, but I have been positively obstructed by both. First, an imperative order from a Minister of State. One of its highest functionaries prevented the seizure of a large amount of the publicly advertised stolen property, when it could have been secured (as it ought to have been) by one of the Government subordinate officers, in whom a source of shame and honesty predominated over venal suggestions. Secondly, a judge of the land, after sheltering in the bosom of his family for several weeks the principal robber, and for whose apprehension a public reward had been offered, set an example of contempt and defiance to the law and constituted authorities (which by solemn oath he was bound to sustain) by resisting in his own house the party armed with a judicial warrant to arrest the criminal; and in the presence of the police officers, this Peruvian judge, venting oaths and imprecations, called aloud on his servants to arm themselves, and threatened to deprive me of my life (levelling a pair of pistols at my head), if I should advance one foot nearer the door of the room in which the culprit was at that moment concealed. The commander of the police force, Captain Villar, instead of vindicating the majesty of the law, joined the judge in forcing me from the room. The gas lights were then simultaneously extinguished. The criminal of course escaped.

This was Señor Ponce, one of the judges engaged in the criminal cause. Foaming with rage, he did not affect to conceal his hatred against Englishmen in general, and me in particular, and with many injurious explications openly declared that he had already successfully obstructed me in the prosecution of my duty. That he had caused me the loss of thousands of dollars, and would make me lose more. That for four reals a head he could command as many witnesses as he might require to swear for him, &c.

You, sir, already know how the Minister of Foreign Affairs of Peru has attempted to evade and shuffle out of the responsibility incurred by the Peruvian Government, and from what I have just mentioned, you will see that it would be worse than ridiculous for any British subject to indulge the hope of meeting impartial justice from legal tribunals over which such men as Señor Ponce are permitted to preside. But it may be said, he is a criminal judge!

Equity is to be found on the civil bench. From a number, each as flagrant as the other, let me cite one instance, its simplicity admitting of no doubt or contestation. More than three months have transpired since my arrival in Lima; and although I immediately produced the will and probate issued from Her Majesty's Court, these being the proper and only documents by which I could be, as I am, constituted sole executor of the British property in Peru, as elsewhere, belonging to the late Michael Winder, esquire; and although these all-sufficient documents were regularly recognized and authenticated as genuine by the Peruvian Minister's certificate, seal, and signature in London, yet, up to the present moment, the civil tribunals here have withheld from me their recognition of my rightful and undoubted official status, thus paralyzing the action of my executorial authority, and virtually casting suspicion, if not ignoring my rights to the name and authority of executor.

Sir, the rights of British subjects are disregarded and scoffed at in Lima by both benches, civil and criminal.

Early notice was given me of the general prevalence of corruption in every department of the administration of this country; but the English mind is not prepared for, nor can it well compass the amount of administrative depravity which prevails.

I was

I was openly told that if not disposed of by assassination, I should become the victim of an equally efficacious method to attain the same end; viz., the accumulation of legalized delays, impediments, official evasions and falsehoods, wrongs, and annoyances of every description; and that the known delicate state of my health on arrival here, constituted one of the grounds for the hope of success and impunity on the part of the Government officials and others having a common interest in the appropriation and division of large sums already stolen, and of those to be later plundered from the Englishman.

I acknowledge the sagacity in which originated this morbid and heartless speculation, for my previously enfeebled health has been fast yielding under the systematic action and wily combinations of the gang of conspirators who surround me, and who direct with one common aim their pre-arranged and corrupt manœuvres for a speedy attainment of the predicted and wished-for consummation.

Yesterday Mr. Fyeda, with whose high standing and honourable antecedents you are acquainted, after reviewing the incidents connected with my case, declared that, with shame and sorrow he felt himself bound to tell me, it would be folly and madness on my part to indulge any further hope of meeting justice from the Peruvian tribunals; for that he now clearly saw the combination to rob me had become general, embracing the highest chiefs and lowest subordinates of the judicial and Government administrative bodies.

After such an intimation from such exalted authority, there remains for me but one course to adopt; viz., to take the requisite steps to prolong my life for the future discharge of that duty which I never will consent to abandon.

Dr. Maclean, whose experience of Peru for more than thirty years has constituted him a sufficiently scientific authority, is my medical attendant. He declares my life to be in danger, and that change of air is indispensable to me. Enclosed is his certificate. I am arbitrarily detained here as a prisoner (having violated no law). For this scandalous outrage I have proffered, through you, my just claims for compensation, which I neither relinquish nor abate. But having no ambition that my death should be quoted in aggravation of the already swollen amount of British subjects recklessly murdered by Peruvians, and for which Peru will one day have to make weighty atonement to Great Britain, I now, sir, appeal to you, as Her Majesty's representative, for protection and prompt interference to obtain for me from the Peruvian Government permission to travel for change of air, indispensable for the preservation of my life; I undertaking to give my "*parole d'honneur*," as a British officer and a gentleman, to return to Lima when my recruited system may permit, and my presence be required, to meet any charge that may be trumped up against me.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

The Hon. W. Stafford Jerningham,
&c. &c. &c., Lima.

Enclosure 2, in No. 7.

(Translation)

I CERTIFY that Captain Carvell is suffering with the very grave disease of aneurism, accompanied by hypertrophy of the heart, and that he also suffers from very severe neuralgic pains, more especially when exposed to the influence of moral agitation, in consequence of which his general health becomes enfeebled, as is the case at this moment.

I have been in attendance on Mr. Carvell for several days, and from what I have observed in him, I am convinced that if he does not leave this city, and change climate for some weeks, his sufferings are likely to increase to such a degree as to endanger his life.

I give this certificate at the request of Mr. Carvell, to make use of it as may be necessary, being the truth what I have stated.

(signed) *William Maclean.*

Lima, the 3d of June 1861.

Enclosure 3, in No. 7.

Lima, 7 June 1861.

HER BRITANNIC MAJESTY'S Chargé d'Affaires and Consul General has received a communication from Captain Henry de Wolfe Carvell, who came out from England to Peru as an executor to the will of the late Michael Winder, British subject, in which he encloses a certificate from the well-known and generally esteemed physician Dr. Maclean, copy of which the undersigned has now the honour to forward to his Excellency Don José Fabio Melgar, Minister for Foreign Affairs, by which it appears that Captain Carvell is suffering from the effects of a grave disease, and that if he does not (according to Dr. Maclean's opinion) leave the city of Lima, and change climate for some weeks, his sufferings are likely to increase to such a degree as to endanger his life.

His Excellency is fully aware that this gentleman has, in consequence of proceedings which

which he did not originate, been declared "arraigado," and is therefore not permitted to leave Lima. Against this act of the Peruvian tribunal, a protest has already been made to the Peruvian Government; but still Captain Carvell continues under the ban placed upon his personal liberty.

Thus he remained for the space, nearly, of three months; but now that such a question arises as the ill-health of this gentleman, and even danger of his life, if this arrest is not taken off, and he be allowed to travel for some weeks, according to the medical certificate of Dr. Maclean, the undersigned, who has been applied to by Captain Carvell to interfere in his behalf, now begs to urge upon his Excellency a request that the Peruvian Government cause permission to be granted to Captain Carvell to travel for change of air, indispensable for the preservation of his life.

Although the undersigned reserves for himself the right of being guided by the instructions he may receive from Her Majesty's Government respecting the validity of the act of "arraigado," placed upon Captain Carvell by the authorities in Peru; he however, impressed by the alarming statement made in Dr. Maclean's certificate, must now, for the present, waive all discussion on that point, and condescend to solicit his Excellency's prompt interference for the prompt acceding to a request which he feels sure the humanity of the Peruvian Government cannot permit them to refuse.

Captain Carvell undertakes to give his "*parole d'honneur*," as a British officer and gentleman, to return to Lima, when his recruited system may permit it, and his presence be required to meet any charge that may be brought against him.

(signed) *W. Stafford Jerningham.*

His Excellency Don José Fabio Melgar,
Minister for Foreign Affairs.

Enclosure 4, in No. 7.

Lima, 9 de Junio de 1861.

HE tenido el honor de recibir la estimable comunicacion de V. S. H^e fecha 7 del presente, cuyo objeto es solicitar la pronta intervencion del Gobierno Peruano para que se suspenda el arraigo que los tribunales han impuesto al subdito ingles Enrique de Wolfe Carvell. A la citada comunicacion agrega V. S. H. un certificado del Dr. Maclean que prueba que Mr. Carvell esta padeciendo los efectos de una grave enfermedad, y que estos pueden aumentarse hasta el punto de peligrar su vida, si no muda de temperamento durante algunas semanas. V. S. H. concluye invocando la humanidad del Gobierno Peruano para que no se deniegue la solicitud de Mr. Carvell.

En respuesta á la estimable nota de V. S. H^e es de mi deber repetirle lo que ya en otras ocasiones he tenido el honor de decirle respecto á la causa que se signe ante los tribunales de justicia por Mr. Carvell contra los tenedores de los bienes del finado subdito ingles Miguel Winder. El Gobierno del Peru no puede tomar parte alguna en esta cuestion, pues ademas de serle expresamente prohibido por la constitucion pasar el limite que demarca la independencia de los poderes publicos, las partes interesadas en la causa de Winder han reconocido la jurisdiccion de los juzgados que conocen los incidentes del juicio, Mr. Carvell particularmente está convencido del camino que tiene que seguir en este asunto, pues en el mismo caso del arraigo que dá motivo á la suplica que ha hecho á V. S. H^e, ha solicitado la intervencion juridica, interponiendo apelacion del asunto, ante la corte superior.

Esta declaracion no significa sin embargo que llegado el caso de retardacion ó denegacion de justicia por parte de los Tribunales de la Republica, se excuse el Gobierno á atender á los justos reclamos de los interesados tanto en esta como en cualquiera otra cuestion.

No concluiré con todo sin llamar la atencion de V. S. H^e á las palabras "arresto" y "entredicho" (ban) "contra su libertad personal," empleadas para calificar el *arraigo* que ha decretado el juez contra Carvell. Es probable que este subdito Britanico haya querido interesar vivamente el ánimo generoso de V. S. H^e en favor de su causa calificandolo como arresto lo que tan distante esta de serlo. Segun nuestra legislacion el *arraigo* lo pide al juez una de las partes cuando tiene motivos para creer que su contrario puede burlar con la ausencia el fallo de la justicia; y no és en suma mas que la obligacion que se impone al litigante de responder con fiador de los bienes que forman la cosa litigiosa. Nuestras leyes por otra parte facilitan á los interesados el medio de allanar los efectos de un *arraigo*, pues no exigen á la parte, sea reo, sea actor, sino el nombramiento de apoderado expensado que responda por él en la escuela del juicio.

He entrado en esta explicacion por que V. S. H^e adopta las palabras arresto y entredicho como sinonimos de *arraigo* siendo muy opuestas en todo sentido; y por ser ademas necesario que se defina bien el hecho que motiva la suplica de Mr. Carvell y la nota de V. S. H^e, puesto que en la ultima se llega á invocar hasta la humanidad del Gobierno, como si Mr. Carvell sufriese una prision.

Aprovecho esta ocasion para renovar á V. S. H^e los sentimientos de distinguida consideracion con que me suscribo su atento seguro servidor.

José Fabio Melgar.

To the Chargé de Affaires y Consul General
of Her Britannic Majesty.

Enclosure 5, in No. 7.

Sir,

Lima, 14 June 1861.

I HAVE had the honour to acknowledge the receipt of a copy of his Excellency Señor Melga's Despatch of the 9th instant, in reply to yours of the 7th instant.

Labouring as I am under heavy and painful indisposition, it is quite beyond my strength at this moment to demonstrate, by an enumeration of facts already on record, the utter fallacy of statements advanced in this letter of the 9th by his Excellency, who, with customary littleness and craft, seeks to detach attention from his misrepresentations, by entering into a disquisition as to the precise signification of the word "arraigo."

Sir, it seems to be no more than a refinement of cruelty towards the dying wretch, to dilate on the peculiar temper of the instrument of his torture and execution, whether it be called sword or hatchet, fabricated of steel or unwrought iron.

Let Señor Melgar strive to disguise or qualify the truth as he may, and does, the fact is that I am still, as I have been since the 14th of March, under arrest, and that the most eminent physician of Lima declares that my life is in imminent danger from confinement to the atmosphere of this filthy city, and that change of air for some weeks is indispensable for me.

With tenacity of purpose, equalled only by the continuous train of falsehood cunningly blended with a little truth, his Excellency perseveres in endeavouring to induce you to believe that the order for my arrest has resulted from some initiation of proceedings by me in the court of "Primera Instancia," and that as by such initiation I had acknowledged the jurisdiction of that court over me, I consequently should abide by its forms, and now address myself to it instead of to the Executive, which, on that account, he pretends, can take no part in obtaining for me relief from the arrest which has endangered my life.

Sir, this is pure fiction on his part, unsupported by any portion of that modicum of truth I have above alluded to.

I have not initiated the suit which is thus pleaded as pretext for my arrest. On the contrary, it is a suit instituted against me in my capacity of executor to the late Mr. Michael Winder's last testament.

Although, strange to say, up to this hour (after three months of vain application), the authorities have declined to recognise me as legally constituted executor.

The object of the suit is to ignore the power of Doctors' Commons and British law respecting property exclusively British. Far from acknowledging or recognising the authority of this Peruvian court in such a case, I have, from the very first intimation of the ridiculous and arrogant pretension, repudiated it, protested against it, and, declining to become a party in the suit, continue still to do so. Nevertheless, although perfectly well acquainted with these facts, Señor Melgar now writes to you, as he has done, in the hope of deceiving you, and entrapping me into an application to this tribunal for relief from arrest, in order that the act of so doing might hereafter be cited as a proof of acquiescence or recognition on my part of an usurped authority, which has dared to abuse its power by wantonly depriving me, a British subject (who has violated no law of Peru), of my liberty, and thus placed my life in imminent danger.

Later, sir, if my sinking health does not entirely fail, I shall demonstrate to your satisfaction that every other assertion made by Señor Melgar in his letter of the 9th is as groundless in point of accuracy and truth as that just described, but since that one is the ground on which he seeks to justify his refusal to acquiesce in your reasonable demand to protect my life, I must beg of you to resume your interference with the Peruvian Government. Sir, if it were about to hang me to-morrow, would you not, being convinced of my innocence and the illegality of the court that condemned me, use the high power vested in you to avert so fearful a consummation? I know you would, and could make this dastardly and paltry Government tremble for the consequences of the act they were about to commit.

Sir, you have the same right to interfere now; my life is, according to the testimony of the highest medical authority here, in danger; and if my birthright of a British subject be of any avail, it is now I require it, now I ask it, and now I demand it, and the just protection of that flag under which I have served in Her Majesty's Army with pride and honour.

I now have to request that, under the trying circumstances in which I find myself, and the Peruvian Government having refused to listen to your appeal, that you demand from the Peruvian Government, in the name of Her Most Gracious Majesty the Queen, that I may be at once released (and you may guarantee my return), not as an act of grace on the part of the Peruvian Government, but as the demand of the British Government.

Sir, the British Government and the British people will support you in so plain and imperative a duty, so humane and necessary an intervention; I must not be sacrificed nor offered up as a victim to appease Peruvian vengeance because I respect and honour the laws of my country, and have the temerity to think they should be my guide in dealing with British property.

There is a limit to suffering undeservedly; there is a limit to forbearance; it has been reached.

Do not forget that I am acting under the instruction of Her Majesty's Courts and the Attorney General of the British Government.

I demand your prompt intervention in my behalf, and the use of that power vested in

you (and such as you) all over the globe for the protection of even the poorest and most humble of the children of Great Britain.

You can save me from my impending fate (if the doctors speak truly); you are able, by the power vested in you, to do so, and will be supported by the Home Government in so doing; but if you do not, then I shall have been a British subject 36 years in vain, and become one more to be included in the list of British subjects foully murdered by Peruvians.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

P. S.—On looking over his letter again, I perceive Señor Melgar says, regarding this point, "Mr. Carvell is himself specially convinced of the course he is to pursue, since in this same case of the arrest he has already solicited judicial intervention by presenting an appeal against it to the Superior Court." Sir, this assertion of Señor Melgar is not better founded than the others; it is totally false.

Extract from the "Panama Star and Herald," Friday, 24 May 1861.

PERUVIAN JUSTICE.

THE case of Captain Carvell is looked upon as one of such a glaring nature in Lima, even by Peruvians themselves, that, had it been in our power, we should have brought it before the notice of the public before this; but other matters of importance have occupied our attention so much, that we have been compelled to defer it until the present time.

Captain Carvell is an officer in the British Army, and a gentleman of high standing, who came out to Lima in February last as executor to the estate of Michael Winder, his father-in-law, for which purpose he was duly empowered by the courts of probate in London, properly certified to by the Peruvian agent there, under the seal of that Government.

Mr. Winder was also an English gentleman, who resided in Peru for many years, where he accumulated a large fortune; but owing to ill health, he returned home some years ago, and died in England, leaving a large portion of his assets in Peru, among which were a quantity of Peruvian bonds, amounting to upwards of half a million dollars.

Before Captain Carvell's arrival in Lima, it appears some 400,000 dollars of these bonds were stolen by a person who, at the time, it was supposed had absconded, but who, it since appears, is still in Lima, and his whereabouts known to the residents generally.

Immediately on Captain Carvell's arrival in Lima, he made known his mission to the proper authorities, had the numbers and other particulars of the stolen bonds duly advertised in the public journals, and made application to have the thief apprehended. The authorities promised every assistance, but our readers can judge of Captain Carvell's surprise when, in a few days after, instead of hearing of the delinquent's arrest, he was informed that he was himself a prisoner, and that he could not go beyond the limits of the city of Lima until he handed over to the Peruvian authorities about 35,000 *l.* left in London by Winder at the time of his death, the said authorities wishing to be considered the proper parties to take charge of Winder's effects. This arrest was made early in the month of March last, and still Captain Carvell is a prisoner, and unable to leave Lima, even to visit Chorrillas or Callao.

Through the British Minister, Captain Carvell applied to Señor Melgar, the Minister of Foreign Affairs in Peru, to have the bonds stopped when presented at the Consulado for the payment of the interest, and the latter official assured Mr. Jerningham that he would at once do so; this was in February, and as Captain Carvell had the same assurance from Mr. Melgar, both he and the British Minister rested certain the matter would be attended to. The interest on the bonds was payable on the 3d of April, and Captain Carvell feeling anxious on the subject, called at the Consulado the day previous, in order to assure himself that everything was right. He was no little astonished to find in reply to his inquiry, that Señor Melgar had never sent in any notification to have the bonds stopped up to that time. He, therefore, at once again applied to the British Minister, and though late in the day, procured a letter from him to Señor Melgar on the subject. On receiving the letter, Señor Melgar again assured Captain Carvell that he had that very day attended to the matter. Early next day, Captain Carvell went again to the Consulado, and was then informed by Señor Suerro, the Director del Credito Publico, that on the 2nd he had received a letter from Señor Melgar, dated in February, with instructions not to stop the bonds, but to stop the interest, and that unfortunately these instructions had reached too late, as Señor Camacho (who, we believe, is also a Government official), had already amortized some 60,000 dollars of them. Mr. Suerro further stated that prior to paying the 60,000 dollar bonds, and knowing them to be part of what were stolen and publicly advertised, he refused to pay them until he consulted with his superior in the office, the minister of Hacienda, who ordered him to pay them, which he was compelled to do.

This order was given when the fact of the bonds being stolen was notorious, and at the very time when the Government, through Señor Melgar and others, was pretending to use every

every exertion to recover the property, and had given assurances to the British Minister that the utmost exertions were being made to do so, and after that instructions had been sent all along the coast, and even to their agent in Panama, to have the thief arrested.

Only three days after this occurrence, Captain Carvell informed the judge where the thief was concealed, and requested the house to be searched, but this the judge refused, stating that the owner of the house was a friend of his, and he would not insult him by ordering a search. We may add that proof exists of Señor Camacho having offered 5,000 dollars to the notary to forge a false power of attorney from Winder to his agent in Lima, which the notary refused to do for less than 25,000 dollars; that it is tolerably well established that the 60,000 dollars of bonds went as a *gratificación*, as bribery is called in Lima, to some of the leading officials there to lend their aid in protecting the thief; that Señor Melgar, the Minister of Foreign Affairs, broke both his word and good faith with Captain Carvell; that he is more than strongly suspected of being extensively bribed to deceive and mislead the British Minister, Captain Carvell, and to aid in the theft; and that the whole facts making these accusations are, by this time, before the British Government in London.

A mere narration of the facts in an article of this kind can convey little idea of the depth of the outrages perpetrated in this case; the whole story would be better suitable to fill a novel than a newspaper, and certainly if pictured fully in its true colours, would startle the reader. But it is to be hoped that a day of reckoning will soon come, and we shall, doubtless, before very long, hear Peru whining over a claim made by the British Government for this swindle on one of her subjects, and, after allowing such baseness to be perpetrated on a foreigner, try to evade punishment by a cry of her weakness and inability to oppose the force of Great Britain when the latter chooses to make such a demand, a cry which has already been too often resorted to, and too magnanimously listened to heretofore.

But if a nation is weak, that is no reason why it should escape punishment for the perpetration of wilful crime, and if Peru should be chastised for her shortcomings by a stronger power, it will only be a just retribution for the bullying manner in which she of late years has tried to ride roughshod over Ecuador and Bolivia; and the lesson would, no doubt, have a good effect on the country both morally and politically.

— No. 8. —

EXTRACT of a DESPATCH from Mr. *Jerningham*, dated Lima, 28 June 1861.—
Received 29 July.

WITH reference to my Despatch, No. 26, of the 11th of June, in which I forwarded to your Lordship copies of a correspondence with Señor Melgar, soliciting his Excellency, in consequence of the illness of Captain Carvell, as attested by a medical certificate, to cause the “*arraigo*,” to which he had been subjected by a judicial authority in Lima, to be taken off, in order that he might proceed to travel for a few weeks, and respecting which the Peruvian Government had, for stated reasons, refused their interference, I beg now to have the honour to state that, as Captain Carvell again applied to me for protection, and I felt, from feelings of humanity, that I ought to make another effort in his favour, particularly as he himself had said before he would not apply to the judge for the removal of the “*arraigo*” against which he had protested, through this Legation, to the Peruvian Government, I determined upon writing another note to Señor Melgar, formally and officially demanding of the Peruvian Government to take efficacious measures for the suspension of the “*arraigo*” in question.

I have now the honour to forward to your Lordship copy of this note.

At three o'clock to-morrow I am to see Mr. Eldridge, one of my colleagues, who is charged to confer with Señor Melgar on the subject; but I fear that I shall not be able to send his Excellency's answer by this mail.

The “*arraigo*” under which Captain Carvell is placed is not what is properly termed “*arrest*,” but it is, however, a chain upon his liberty, as he cannot leave Lima without naming an “*apoderado*,” who, I believe, must be approved of by the judge, and I have heard, in his case, by the person also who entered the lawsuit against him.

People say that Captain Carvell, if he applied to the judge, armed with a medical certificate, and named an “*apoderado*,” who would only have to be responsible for costs of the lawsuit, he might leave Lima to-morrow; but he does not appear to be willing to recognize the rights of the Courts of Lima to interfere

with him, the bearer and executor of an English will, and therefore, I suppose, will not stir in the matter. At the same time, he is very ill, and with the aneurism from which he is suffering, any mental exertion or excitement might prove fatal to him.

If in what I have done for Captain Carvell, as detailed in my note, exceeds the limits of my instructions, I have done so out of a sentiment of humanity, and with the desire to save the life of a British subject, as well as to prevent any blame being cast upon me for not making an effort to preserve his existence by officially requesting his "arraigo" to be suspended, that he might find his health in a more genial sphere.

Enclosures in N. 8.

Lima, 17 June 1861.

THE undersigned, Her Britannic Majesty's Chargé d'Affaires, &c., had the honour to receive the note of the 9th instant, which his Excellency Don José Fabio Melgar, Minister for Foreign Affairs, forwarded to him in answer to the request which the undersigned had made to his Excellency, that the Peruvian Government should, in consequence of the illness of Captain Carvell, as proved by the medical certificate which was enclosed in the note of the undersigned of the 7th instant, cause the "arraigo" to which Mr. Carvell had been subjected, to be taken off, so that that gentleman might be enabled to travel for some weeks to recruit his enfeebled health, as remaining in Lima might endanger his life.

To this request, made by the undersigned to his Excellency, it appears that the Peruvian Government declines to accede, and refers Captain Carvell, for certain reasons stated by his Excellency, to the Law Courts of Lima.

The undersigned has communicated his Excellency's answer to Captain Carvell, and this gentleman has since then applied again to the undersigned for that protection to which he, as a British subject, is entitled at the hands of Her Britannic Majesty's Chargé d'Affaires and Consul General, as his life, according to Dr. Maclean's certificate, is in danger.

The undersigned, therefore, in virtue of the commission with which he is provided, considering that, according to the medical certificate which has been produced at the British Legation, and which has been forwarded to Her Britannic Majesty's Government, that the life of Captain Carvell may be seriously endangered if he be not allowed to travel, and leave Lima for some weeks, now formally and officially requests of the Peruvian Government, with all true and due respect, that they should take such measures as may be within the sphere of their attributions, so as to prevent any hindrance whatsoever on the part of any authority in Peru being opposed to the free departure of Captain Carvell from this country for the recovery of his health.

Captain Carvell has given his word of honour to the British Legation to return to Lima when his recruited system shall permit it.

In the earnest hope that his Excellency will deeply consider the above request made by the undersigned, inspired as it is by the liveliest desire to preserve the life of one of Her Majesty's subjects, and proceed so as to arrive at a favourable solution, the undersigned has now the honour to reiterate to him the assurances of his highest consideration and esteem.

His Excellency Don José Fabio Melgar,
Minister for Foreign Affairs.

William Stafford Jerningham.

THE CERTIFICATE of Three Physicians who held a Consultation on Captain Carvell's State of Health.

WE, the undersigned physicians, practising in Lima, hereby certify that we met in consultation on the case of Captain Henry de Wolfe Carvell, at 4 p.m. of the 24th instant. That we found him in bed, to which he had been confined for some days past, under the care of Dr. Maclean; that after a careful and prolonged examination, we have satisfied ourselves that he labours under chronic affections, resulting from an aneurism of the aorta, and hypertrophy of the left ventricle of the heart, which, according to information received, have been of more than four years' standing, subjecting him to violent neuralgic attacks, of lengthened duration, which usually return with intense agony when his ordinary state of health becomes affected, as it now is, by injurious atmosphere.

In addition to the above, we find that he is now attacked by severe catarrhal, and also intermittent fever, incidental to this season in Lima, which he might have avoided had he absented himself in time, and which is calculated to augment his sufferings, and to further compromise the previously dangerous state of the patient.

The

The climate of this town being notoriously prejudicial to the case of Captain Carvell, and having this day confirmed our previous convictions, we recommend his early change of air, as a measure of urgent and absolute necessity, and that without loss of time, as indispensable for the safety of his life.

(signed) *Henry Kinney, M. D.*
Wm. Maclean.
Charles Tasset, D.M., P., and Acc.

Lima, 26 June 1861.

— No. 9. —

EXTRACT of a DESPATCH from Mr. *Jerningham*, dated 12 July 1861.—Received 13 August.

WITH reference to my Despatch of the 28th of June last, I beg now to state, that upon the presentation of my note, Señor Melgar wrote me another, not acceding, for reasons therein mentioned, to the request I had previously made to his Excellency. Copy of this note I beg now to enclose to your Lordship.

Since the reception of this communication, I have had no more official correspondence with the Peruvian Government on this subject.

I have done what I could officially in the matter, and perhaps more than I was warranted in doing, and, therefore, if any harm occurs to Captain Carvell, no blame whatever must rest with me, especially as there was, and is still, a door open to him for doing away with the “arraigo,” by applying directly to the judicial powers for its removal.

Whether he would be able to succeed in that is a different question, as he might find much difficulty in finding an “apoderado,” or representative, who would undertake to supply his place, to meet with the approbation of the judge and the parties concerned in the lawsuit inaugurated against Mr. Carvell.

Since last post, Captain Carvell has recovered somewhat from the attack of illness, and is now about again; but the aneurism from which he is suffering renders him, I should suppose, quite an improper person to bear the brunt of lawsuits and legal proceedings.

Enclosure in No 9.

(Translation.)

Lima, 19 June 1861.

THE *Chargé d’Affaires* and Consul General of Her Britannic Majesty will permit the undersigned Minister for Foreign Affairs of Peru to express to him the regret he has felt on reading the note of his Honor, dated 17th instant, in which he insists in the request that the Government should procure that the authorities of the Republic place no impediments to Captain Carvell’s travelling for some weeks, with the object of re-establishing his health, notwithstanding the interdiction to which he is subjected by orders of a competent judge.

The undersigned believed that the well-founded reasons which he expressed to Mr. *Jerningham*, in his note of the 9th instant, would be sufficient for his Honor to be persuaded of the impossibility, in which the Government finds itself, to interfere in the matter submitted to the tribunals of Peru, and, consequently, foreign to the powers which the political constitution concedes to the executive power, because Mr. *Jerningham* is not ignorant that the Government cannot in any manner interfere in those jurisdictional acts, and much less in the present case, in which Captain Carvell himself has submitted to them.

The undersigned, therefore, for these motives, cannot accede to the last indications of the Honourable Mr. *Jerningham*, who can counsel Captain Carvell to apply to the judge who has charge of the cause, so that he may do him the justice to which he may be entitled.

The undersigned renews, &c.

(signed) *José Fabio Melgar.*

The *Chargé d’Affaires* and Consul General of
 Her Britannic Majesty.

— No. 10. —

(No. 31.)

The Right Honourable Lord *John Russell* to Mr. *Jerningham*.

Sir,

Foreign Office, 31 July 1861.

I HAVE had under my consideration, and have consulted the law officers of the Crown upon your Despatches, respecting the difficulties with which Captain Carvell has been met in Peru, in his endeavours to administer to the property of his father-in-law, the late Mr. Michael Winder.

In the first place, I have to state that this matter appears to be one that is clearly within the jurisdiction of the Peruvian courts, and Captain Carvell is wrong in supposing that he is exempt, by reason of being a British subject, from such jurisdiction, so long as he remains in Peru, and in a case which concerns property existing in that Republic.

The liability of the Peruvian Government in respect to any negligence relating to the bonds, or to the non-arrest of Manuel Winder, or in respect of Captain Carvell's demand for damages for his own detention, cannot be finally considered until the termination of the legal proceedings now pending; and Her Majesty's Government cannot interfere for the present in the matter.

The conduct, however, of Judge Ponce, as stated in your Despatch No. 22, in sheltering Manuel Winder in his house, in resisting the execution of the warrant for his apprehension, and in presenting pistols and threatening to shoot Captain Carvell, appears to have been disgraceful, and it should certainly disqualify this judge from having anything further to do with the case, and it is to be hoped that it may lead to his disgrace.

Moreover, your Despatch No. 21, discloses an apparent want of good faith in the matter on the part of the Peruvian authorities, especially of Señor Melgar, who seems to be connected with Mrs. Winder; and the facts alleged by Captain Carvell, in his letters of the 19th and 20th of April, as to two of his counsel having been tampered with, have a most discreditable aspect, and give rise to grave suspicions as to the conduct and motives of the Peruvian Government; but it is sufficient that your attention is fully awake to these circumstances.

Your proceedings with regard to the return of the property delivered to you by Mr. Pike and Captain Carvell, were perfectly right and proper, and I must add that, though you may have in some measure gone beyond what the law officers now advise in your interference on behalf of Captain Carvell, your proceedings, on the whole, in this case, meet with the approval of Her Majesty's Government.

With respect to the detention at present imposed upon Captain Carvell, I observe from your Despatch No. 26, that Señor Melgar states that the executive cannot interfere with the tribunals, and that Mr. Carvell must apply to them for leave of absence on medical certificate; and that he can be released from detention by naming an "apoderado," or finding security. I do not find that Señor Melgar's statement is satisfactorily answered either by you or by Captain Carvell, and I cannot, therefore, authorise your making a formal demand for his release on parole; but you may facilitate it as far as possible upon such terms and conditions as may be practicable.

(signed) *J. Russell.*

— No. 11. —

EXTRACT of a DESPATCH from Mr. *Barton*, dated Lima, 14 August 1861.—
Received 13 September.

A FEW days after the departure of the Honourable Wm. Stafford Jerningham, I received from Captain Henry de Wolfe Carvell four letters, dated the 3d, 4th, 5th, and 9th instant, copies of which I have the honour to transmit herewith, as also of my reply to them, by which your Lordship will perceive that Captain Carvell was threatened with imprisonment for not complying with the orders of a judge to deliver up certain property which he states it was impossible to do, he having transmitted said property to England, and requesting me to inform him

him "if it was in my power to protect him from the outrages and indignities to which he was daily subjected, and if in my official capacity I would prevent him from being thrown into prison."

On the 7th instant, M. de Lesseps, the French Chargé d'Affaires, wrote me a note, copy and my answer to which I have the honour to transmit herewith, dated midnight, informing me that Captain Carvell had requested his protection and received it, for which act I returned M. de Lesseps my thanks, and no further steps have up to the present time been taken against Captain Carvell that I am aware of.

Enclosure 1, in No. 11.

Sir,

Lima, 3 August 1861.

I HAVE the honour to inform you that on the 29th ultimo (two hours after the departure of the Honourable William S. Jerningham from this city), a sentinel was placed on the door of my apartments at the Hotel Morin; and I have been officially informed that at the expiration of six days from the 29th ultimo inclusive, I shall be removed by force to the loathsome dungeon called the "Carceletas," situated in the "Plaza de la Inquisicion," unless I effect an utter impossibility, namely, the recall and return from England, whither it was my sworn duty to transmit it, of certain British chattel property, delivered to me for that purpose by Her Majesty's representative in Lima, I being the only individual in existence recognised by Great Britain, and especially appointed by her laws to discharge such duty.

Sir, Her Britannic Majesty's High Court of Probate in Westminster, constituted me sole executor of the last will and testament of Mr. Michael Winder, a British subject, domiciled and deceased in England, where he executed that will; the authenticity of which, together with the probate, have been duly recognised and certified by the Peruvian Minister in London.

I have repeatedly presented both to the authorities here, and for nearly six months have been unable to obtain either the recognition of its validity and authenticity, or what would be equally conclusive, their negation of its true character.

On my arrival here, the Government promised to afford me, as it was bound to do, protection and assistance in the execution of my duties. These promises have not only been shamefully violated, but every possible impediment has been thrown in my way.

The robber who made away with nearly half a million of the property which the Government had pledged itself to secure from plunder, has been protected and concealed in the house of one of their judges, and is still at large, although it is notorious that he is in Lima enjoying the society of officials, and spending his evenings playing at "rocambo," while I, in a precarious state of health, who have violated no law of Peru, am to be flung into a dungeon for strictly adhering to the instructions of Her Majesty's late Attorney General, at this moment Lord High Chancellor of England.

Sir, it is under these circumstances that I request you will at once inform me, if it be in your power to protect me from the outrages and indignities to which I am daily subjected, and if in your official capacity, you can and will prevent my being thrown into prison; a step which, if not averted, will probably cost me my life.

I have, &c.

(signed) Henry de Wolfe Carvell.

John Barton, Esq.,
Her Britannic Majesty's Chargé d'Affaires,
Lima.

Enclosure 2, in No. 11.

Sir,

Morin's Hotel, Lima, 4 August 1861.

In my letter delivered to you yesterday, to which I have the honour to refer, are the following words: "It is under these circumstances that I request you will at once inform me if it be in your power to protect me from the outrages and indignities to which I am daily subjected, and if in your official capacity you can and will prevent my being thrown into prison."

When those lines were written, I laboured under an impression that you had been received and recognised as Her Britannic Majesty's Chargé d'Affaires (*ad interim*).

Misconception on that head in no manner alters my unpleasant and precarious position, nor affects my right to demand protection from you, one of Her Majesty's consuls, against pending and immediate wrong.

I am, therefore, under the necessity of addressing to you in this latter capacity, the same words above quoted; to-morrow being the day named for throwing me into the vile dungeons of the prison of the Inquisition.

You must be aware that your official reply coming to me on or after Wednesday next (as you suggested last evening), could in no wise affect or avert the fate impending over me at

this moment, and to be executed to-morrow. With the view, therefore, to ulterior and efficient measures for my protection and safety, which cannot now be postponed, I must solicit again the favour of an immediate reply from you in any official capacity you may see fitting to render it.

John Barton, Esq.,
&c. &c. &c.
Lima.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

Enclosure 3, in No. 11.

Sir,

Morin's Hotel, Lima, 5 August 1861.

I HAVE the honour to inform you, that not having received any reply to my official letter of the 3d instant (save the unsatisfactory information given verbally by you, when I accidentally met you at the house of the Brazilian Minister on that evening), and not having received any reply whatsoever to my despatch of yesterday, "earnestly requesting you to inform me if you were in a position to afford me protection from the unmerited persecution and injustice which I am suffering in this city at the hands of the Peruvian authorities, and if you could and would prevent my being thrown into prison," and being officially informed that I should be thrown into the dungeon of the "Carceletas," this day (5th), which, according to the opinion of my medical advisers, would cost me my life. Under these grave circumstances, I was compelled to adopt at the last hour the indispensable but painful expedient (the only one remaining to me), of throwing myself, for the safety of my life, on the representative of Her Britannic Majesty's ally, the Emperor of the French, who has most graciously accorded to me that protection and asylum to which I was entitled, but which I sought in vain from the British flag, and which you refused in your verbal communication, informing me, "that you declined to interfere officially, but that when taken to prison, I might address to you a protest, which you kindly stated you would forward to England by the next mail, which does not depart from Lima before the 14th instant;" long ere the arrival of which period (if the unanimous declaration of my medical advisers is to be relied on), I should have been consigned to a Peruvian grave.

John Barton, Esq.,
Her Britannic Majesty's Consul,
Lima.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

Enclosure 4, in No. 11.

Sir,

Legation de France, Lima, 9 August 1861.

By my letters of the 3d, 4th, and 5th instant, which still remain unanswered, you were made acquainted with the particulars of my painful and critical position, as well as the unjust and illegal conduct of the Peruvian authorities in my regard.

It having been formally and solemnly announced to me, that incarceration in the foetid dungeon of the Inquisition in my present broken state of health, would be attended with certain death, I urgently sought at your hands that protection and asylum which I had a right to expect from the flag of my country, and which you, whether as consul or *Chargé d'Affaires ad interim*, were bound to extend under circumstances so peculiar and unprecedented.

You peremptorily refused any assistance, substituting instead the volunteer announcement of your opinions being completely opposed to those of Mr. Jerningham; but that, nevertheless, I should have, forsooth, your sympathies and private influence; and further, that you would undertake to send home any protest I should forward you from prison.

I am most unwilling to suppose you could have meant this as a mockery. What you so positively refused, has been frankly and cheerfully accorded by the humane and spirited representative of Her Majesty's ally (the Emperor of the French), and to the scandal of the British community, a fellow subject has been constrained to take refuge under a foreign flag.

Sir, to my Government, as well as to my countrymen and comrades scattered over the globe, it will be requisite to communicate distinctly the causes which have placed me in a position, which I venture to say is without a precedent or parallel in any locality where the rights, privileges, and safety of British subjects were supposed to be carefully watched over and maintained by those appointed (as you have been, whether as Consul or *Chargé d'Affaires*), by Her Majesty's Government, for these specific objects.

At present, I desire to place on record the expression of my warm gratitude to those honourable representatives of foreign countries, Mr. Eldredge and M. de Lesseps, who, recognising the self-evident fact of the monstrous injustice of which I have been made the victim, took the trouble to remonstrate with the Peruvian Government on my behalf.

Their disinterested interference, however, was ineffectual to avert the display of Peruvian malignity, directed against me, by the appearance of armed soldiers and bailiffs at my hotel, accompanied by a mob invited to witness the degradation of an English gentleman while
being

being dragged through the streets to the cells of the Inquisition. The disappointment of the "rabble route" is due to French, not English, timely intervention.

Guilty of no offence whatever against the laws of Peru, I have been an object of persecution and obloquy, and my life placed in jeopardy, for presuming to assert my belief that Great Britain would never submit to have her laws and the mandates of Her Majesty's Courts rendered subordinate to Peruvian pretension and dictation.

It is universally known, that the pretext for ordering me to the dungeons of the Inquisition is the supposition that I obstinately refuse to effect (what is, in point of fact, an impossibility), viz., the immediate transference into the hands of Peruvian authorities, of certain British chattel property which Her Majesty's representative in Lima, the Hon. William Jerningham, in the discharge of his duty, handed over to me in the double capacity of executor and guardian of minors, and the sole individual appointed by the laws of Great Britain to receive and transmit it to England.

Sir, while such has been the nature of my offence, and such the pretext for the wrongs inflicted on me, I must not permit it to escape my notice, that the protection which you so jauntily refused to afford to me, and which I enjoy under the French flag, must be a source of very great inconvenience to Monsieur Vion, "Chancellerie du Consulat Général de France à Lima," who has generously assigned to me his apartments in the Legation. Reluctant to trespass on this gentleman's kindness one moment longer than may be absolutely indispensable, I desire to communicate officially a suggestion, which, if realised by you, cannot fail to meet and remove existing difficulties.

The portion of British chattel property handed over to me (the legally appointed executor and guardian) by Her Majesty's representative, the Hon. Mr. Jerningham, constitutes the property which the Peruvian authorities demand at my hands. It has struck me, that as you have no difficulty in expressing your dissent from Mr. Jerningham's views, neither can you have any in acting on your own, and as you now occupy his place *ad interim*, if you will write to me in your official capacity, desiring "that the property delivered by your predecessor shall be restored to your custody in the British Legation," (you, of course, adopting all responsibility for such order before the Courts of Probate and Chancery of Great Britain,) I will immediately, on receipt of such order from you, take measures to have the amount redeposited in your custody in the British Legation. Then the Peruvian authorities, being made officially acquainted with the facts, cannot persevere longer in their illegal and tyrannical line of conduct towards me (who neither have been guilty of any breach of their laws nor desire or intend to violate any of them).

I have, &c.

(signed) *Henry de Wolfe Carvell.*

John Barton, Esq.,
H. B. M.'s Consul and Chargé d'Affaires,
&c. &c. &c.

Enclosure 5, in No. 11.

Sir,

British Legation, Lima, 10 August 1861.

I HAVE to acknowledge the receipt of your four letters of the 3d, 4th, 5th and 9th instant, which I regret not having been able to answer before, from the peculiar situation I was and am still placed in with the Peruvian Government, arising out of a point of etiquette on the part of Her Majesty's Chargé d'Affaires on his taking leave of his Excellency the President of the Republic.

I informed you verbally some time since, that I must decline interfering officially in your case, which I consider altogether a judicial one, until I receive instructions from Her Majesty's Government, nor can I accede to the plan which you propose, of restoring to this Legation the remainder of the property in your possession, which was delivered to you by Her Majesty's Chargé d'Affaires, the Hon. William Stafford Jerningham, I believe, at your own request.

On the 7th instant Monsieur Lesseps informed me, by note, that you had taken refuge at the French Legation, and that he had received you, for which act of kindness I have expressed to him my thanks; and as you are now in a place of perfect security, both as to person and property, my determination at present remains unaltered.

I am, &c.

(signed) *John Barton,*

H. M.'s Consul in Charge of H. M.'s Legation,
and Consulate General.

Captain H. de Wolfe Carvell,
Lima.

Enclosure 6, in No. 11.

Mon cher Monsieur,

Lima, le 7 Août, à Minuit.

M. LE CAP. CARVELL, craignant d'être arrêté ce soir, s'est réfugié à la Chancellerie; je l'ai accepté, pensant vous êtes agréable, d'abord parceque vous n'êtes pas encore accrédité auprès du Gouvernement comme vous l'avez été avec empressement parmi nous; 2°, parce-

que M. Carvell me semble poursuivi pour des actes dont la responsabilité n'incombe qu'à la Chancellerie de votre Legation, quelque soit l'opinion des tribunaux du pays.

Du reste, j'irai vous voir demain matin, pour causer plus à l'aise de cette délicate affaire dont nous chercherons ensemble la solution. J'ai cru bien faire en instruisant notre Doyen en même tems que vous.

Je profite de l'occasion, mon cher collègue, pour vous offrir l'assurance de mes sentimens les plus distingués.

Monsr. Barton, Lima.

(signé) *E. de Lesseps.*

Enclosure 7, in No. 11.

Mon cher Monsieur,

Lima, le 8 Août 1861.

JE vous remercie bien pour vos égards envers M. le Cape Carvell, et je serai charmé de vous voir à l'heure que vous voulez; et si cela vous plaira, nous irons ensemble après chez Monsieur Lisboa.

Veuillez bien recevoir, mon cher collègue, mes sentimens affectueux.

Mons. E. Lesseps,
&c. &c. &c.,
Lima.

(signé) *John Barton.*

— No. 12. —

(No. 8.)

Mr. Barton to the Right Honourable Lord John Russell.

My Lord,

British Legation, Lima, 29 August 1861.

I HAVE the honour to transmit herewith to your Lordship copy of a letter received from Captain Carvell, dated the 22d instant, and to advise your Lordship that he is still at the French Legation.

I have, &c.

The Right Hon. Lord John Russell,
&c. &c. &c.

(signed) *John Barton.*

Enclosure in No. 12.

Sir,

French Legation, Lima, 22 August 1861.

I HAVE the honour to inform you, and thus place on record, that on the 2d of March last, the Peruvian authorities took possession of the ledgers, cash and account books, &c., belonging to the estate of the late Michael Winder, and of such papers and documents, &c. (amongst the latter being consolidated bonds to the amount of 5,800 dollars), as had been left by Manuel Winder, after the robbery committed by him, and his flight on the 23d of February last; and which had been subsequently handed over to me, as executor, by Mr. Holguin, the late Mr. Winder's cashier.

Judge Carrillo, accompanied by some officials (of whose names and position I am ignorant), came to the office on the date alluded to, viz., 2d of March, and, on pretence of making an inventory, took from me the ledgers, books, &c., locked them up in the iron safe, himself keeping the key; and, ordering every one out of the office, he then locked it up, and took the key of that also, placing upon the door a seal (which disappeared in a day or two after).

Since that date, I have been unable to obtain any satisfactory intelligence concerning those most important ledgers, books, papers, &c.; and, although I have repeatedly applied to have them delivered to me, I have been unable to obtain them, and have been met by various excuses from time to time, until I am convinced that there is no intention whatever on the part of the authorities to give them up, imagining that the amount of the robbery to which they (the Peruvian Government) have so palpably lent themselves, can be screened by their keeping the books in their possession, or making away with them; and that the perpetrators may enjoy, with greater security and impunity, this immense spoliation of British property.

Neither can I get any information relative to the documents belonging to the estate of the "Hacienda del Ingenio de Huaura," they being in the hands of the legal authorities, and amongst which there is a document for 120,000 dollars in favour of the deceased Michael Winder.

I have, &c.

John Barton, Esq.,
&c. &c. &c.
Lima.

(signed) *Henry de Wolfe Carvell.*

— No. 13. —

(No. 9.)

Mr. Barton to the Right Honourable Lord John Russell.

My Lord,

British Legation, Lima, 29 August 1861.

I HAVE deferred closing my Despatch until the last moment, awaiting a communication for the Peruvian Minister for Foreign Affairs, to an earnest request both from Monsieur de Lesseps and myself to allow Captain Carvell to return to his house, and remain there unmolested until instructions are received from your Lordship by me; and also a request made by myself, verbally, that Mr. Melville White might be transferred to the hospital of "San Andres" on account of the bad state of his liver, to be taken care of by the "Sisters of Charity," who have the charge of that establishment; but, as no answer has yet arrived, although I was twice at the Palace yesterday, without being able to obtain an interview with his Excellency, I feel it my duty to acquaint your Lordship that Monsieur de Lesseps has hinted, that as I have been acknowledged by the Peruvian Government, I ought to relieve him from the responsibility he now labours under in keeping Captain Carvell in the French Legation.

On receiving this insinuation, I called on Monsieur de Lesseps, to whom I expressed my grateful thanks for the protection afforded to Captain Carvell, and assured him that I was most anxious to relieve him from his charge, but, at the same time, as I felt assured that my Government would not have sanctioned my taking him out of the hands of the judges at the time he took refuge in the French Legation, I requested that he would pass me an official note on the subject, when I would immediately receive Captain Carvell at the British Legation, as I consider there is a wide difference in receiving Captain Carvell from the French Legation, or giving him an asylum under the circumstances in which he was received by Monsieur de Lesseps.

I beg also to acquaint your Lordship that Monsieur de Lesseps did not consult with me previous to receiving Captain Carvell at the Legation, nor do I know if Monsieur de Lesseps was aware that Captain Carvell intended to seek that protection, should the attempt be made by the Peruvian authorities to make him a prisoner.

The reasons that have induced Monsieur de Lesseps to take upon him this heavy responsibility are three, copies of which I have the honour to transmit herewith, one in Spanish, with translation; the other two in French.

I beg also to acquaint your Lordship that the opinion of the corps diplomatique is, that, in conformity with international law, the Peruvian authorities have no right over the chattel property (*bienes muebles*) of the deceased Mr. Winder, much less over the person of the executor of that estate, besides which, by their own code of laws, Article 5, only the (*bienes muebles*) landed property, &c., are subject to the Peruvian laws (copy and translation of which article I inclose herewith).

Under all these circumstances, had Captain Carvell unfortunately been made a prisoner, I should have considered it my duty to make a strong remonstrance to the Peruvian Government, and have demanded his immediate release; but, as Captain Carvell is at present in a place of safety, and can be transferred to this Legation whenever Monsieur de Lesseps thinks proper to pass me the official note requested by me, I consider it more prudent to wait the arrival of instructions from your Lordship, which I hope to receive on the 2d of the ensuing month.

I make no comments on the style of Captain Carvell's correspondence addressed to me, nor have I thought it necessary to explain to that gentleman the motives of my conduct; but, at the same time, I cannot but consider that he has evinced towards me, in my public character, a great want of proper respect to the position I hold.

I have, &c.

(signed) John Barton.

The Right Hon. Lord John Russell.

&c. &c. &c.

No. 1.

No. 2.

No. 3.

Enclosure 1, in No. 13.

(Translation.)

FROM the fact that the foreigner continues a citizen of his own country and a member of its nation (according to Article 107), the property he may leave at his death, in a foreign country, should naturally devolve to those who are his heirs, in conformity with the laws of the State of which he is a member. But this general rule does not prevent that the immovable property shall continue under the disposition of the laws of the country where it may be situated.

(Vattel, Book 2, Cap. 8, Art. 110.)

Enclosure 2, in No. 13.

2. Le droit d'asile s'applique aussi à la personne qui se réfugie dans une Légation pour échapper à un danger imminent de mort, comme dans le cas de Carvell, dont l'incarcération compromettrait la vie.

3. L'agent n'a point été, pour ainsi dire, enlevé du Pérou, la Chancellerie Britannique la remis à Carvell (dument autorisé, et ayant justifié de ses pouvoirs) et de la Chancellerie Anglais, il a été envoyé en Angleterre (Cour de *Probate*).

Enclosure 3, in No. 13.

(Translation.)

CIVIL CODE.—Preliminary Title of the Laws in general.

Art. V. Landed properties, whatever may be their nature and the condition of the possessor, are subject to the laws of the Republic.

— No. 14. —

(No. 10.)

Mr *Barton* to the Right Honourable Lord *John Russell*.

My Lord,

British Legation, Lima, 29 August 1861.

I HAVE just received another communication from Captain Carvell, of the same class as his former ones, copy of which I have the honour to transmit herewith.

The Right Hon. Lord John Russell,
&c. &c. &c.

I have, &c.
(signed) *John Barton*.

Enclosure in No. 14.

Sir,

British Legation, Lima, 27 August 1861.

SINCE you did me the honour to call upon me at this Legation on the 23d instant, I have been waiting with great anxiety to know the results of your correspondence and interviews with the Peruvian Government relative to my present situation; and my surprise was consequently great, when I yesterday received a note from you containing the following paragraph:—

"I have nothing to communicate concerning your affairs; but you will find, as I have found by long experience, that patience in this country is not a virtue, but an absolute necessity."

Monsieur Edmond de Lesseps, Chargé d'Affaires for France, has done me the honour to inform me that, at a meeting held on the 22d, at the residence of the Chevalier Lisboa, Ministre du Brésil, the Corps Diplomatique unanimously declared that the conduct of the Peruvian Government towards me was a gross and flagrant violation of the rights of a British subject, as established by international law, and that the attempts of the Peruvian authorities to throw me into prison, whereby I was compelled to seek refuge and asylum under the flag of the French Legation, was not only illegal, but outrageous.

You did me the honour to call upon me on the 23d instant, accompanied by Monsieur Edmond de Lesseps, French Chargé d'Affaires, and found Admiral Larrien (commanding the French squadron), General Miller, Colonel The O'Gorman Mahon, Monsieur Eldredge (the

(the Minister), and one or two other gentlemen, in my apartments at the Legation. You were pleased to say, in the presence of those gentlemen, that you were now fully convinced that the Peruvian Government was acting unjustly and illegally towards me, and that you had been received in your official capacity the day before, and would at once exercise your official authority to have me righted; upon which I offered you my thanks for your kind words.

The sudden change in your views (you having previously stated my case to be a simple judicial matter, and that your opinion could only be changed by orders from England) caused me not a little surprise, no mail having arrived from Europe since you made that declaration.

However, after your expressions and promises, backed up as you were by the whole Corps Diplomatique and your own strong conviction (as expressed to me), I imagined that you would at once have formally and officially demanded from the Peruvian Government my immediate and unconditional release, and that you would insist on an immediate and definite answer; my health being in a most precarious state, having already been confined to my rooms in the French Legation three weeks this day.

You state that Señor Melgar had informed you that he had not been able to see all of the judges whom he wished to consult, and that he could not see yourself and M. de Lesseps until Monday (yesterday). I beg to observe that the case has nothing to do with the Peruvian judges, being purely diplomatic, and Señor Melgar's conduct is only part of a well-organised system of delay, whereby he, knowing that his Government is acting tyrannically and illegally, and in open disregard and violation of international law and my rights as a British subject, yet persists, in defiance of all this, to prolong my confinement to the danger of my life, as shown by a Board held on my state of health by three medical gentlemen, the proceedings of which have been forwarded to Her Majesty's Principal Secretary of State for Foreign Affairs.

You were received as *Chargé d'Affaires* on the 22d instant, and I supposed that delicacy as well as duty would have suggested to you to offer me the protection of Her Majesty's flag, in order to disembarrass my kind French protectors of my presence; the more so as you wrote to Monsieur Edmond de Lesseps, French *Chargé d'Affaires*, to thank him for according me protection and asylum, you not being at the time in a position to do so, not having been received by the Peruvian Government.

Sir, you recommend patience. I have, indeed, much need of patience, to endure the persecution and villanous conduct of the authorities of this country, exercised against me since last March.

Recognising the illegal proceedings of the Peruvian authorities, how can you allow them to evade your just demands by talking of their judges?

Is the Peruvian Government, in defiance of every principle of law and justice, to be permitted to trifle with the life of a British subject, and mockingly prate to you (as Her Britannic Majesty's Representative) of its judges?

Since the 22d instant, have you demanded from the Peruvian Government (in your official capacity as Her Majesty's Representative) my immediate and unconditional release? Or have you communicated with the said Government officially, and in writing, on my account, making such demands?

Sir, it would be very gratifying to me, under existing circumstances, to be made acquainted with the date and tenor of such official despatch (if it ever had an existence); you would thus remove an impression under which I labour, that no such demand has been submitted by you to the Peruvian Government.

Why am I this day in the asylum and under the flag of the French Legation; my own honoured flag flying at the British Legation, you having previously written to thank the French *Chargé d'Affaires* for affording me this very protection and asylum?

Sir, those are most unpleasant inquiries for me to make, but I think you will find them even more unpleasant and difficult to answer.

Having expressed your conviction that the Peruvian Government was acting unjustly and illegally, and supported as you are by the unanimous voice of the Corps Diplomatique in Lima, who recognise in the conduct of the Peruvian Government towards me a gross and flagrant violation of international law and "*le droit des gens*," against which they find it their duty to protest.

How you will hereafter explain your conduct under circumstances such as those remains to be seen.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

P. S.—I beg further to remark, that at the meeting of the Corps Diplomatique already referred to, the Chevalier Lisboa, "*Envoyé Extraordinaire et Ministre Plenipotentiaire de S. M. l'Empereur du Brésil*," opened such meeting by bringing before the diplomatic body the conduct of the Peruvian Government towards me, which he characterised as illegal, and a flagrant violation of international law and "*le droit des gens*," in which view and declaration he was supported by the Corps Diplomatique unanimously.

H. de W. C.

John Barton, Esq.,
H. B. M.'s *Chargé d'Affaires*,
Lima.

— No. 15. —

(No. 11.)

Mr. Barton to the Right Honourable Earl Russell.

My Lord,

British Legation, Lima, 2 September 1861.

In continuation of the subject of the latter part of the first paragraph of my Despatch of the 29th of August, numbered 9, I have now the honour to acquaint your Lordship that, on the 30th ultimo, Monsieur de Lesseps, the French Chargé d'Affaires, addressed me a note, copy of which I have the honour to transmit herewith, holding at my disposition the person of Captain de Wolfe Carvell, to which I immediately replied, that I was perfectly ready to receive him in the manner and at the time proposed, as your Lordship will perceive by the copy (herewith enclosed) of my reply to Monsieur de Lesseps.

The French Chargé d'Affaires and myself addressed a letter, marked "confidential and private," to Señor Melgar, to which he returned an answer the following day, copies and translation of both of which I have the honour to transmit herewith; and we brought Captain Carvell to this Legation at mid-day of the 31st, where he is at present.

Trusting that your Lordship will approve of my acceding to the request of Monsieur de Lesseps on this occasion,

The Earl Russell,
&c. &c. &c.

I have, &c.
(signed) John Barton.

Enclosure 1, in No. 15.

Legation de France au Pérou,
Lima, le 30 Août 1861.

Monsieur et cher Collègue,
M. l'Envoyé Extraordinaire et Ministre Plenipotentiaire de S. M. l'Empereur du Brésil a bien voulu m'apprendre le succès de la négociation qu'il avait entamée pour vous faire reconnaître par le Gouvernement Péruvien, en qualité d'agent diplomatique de l'Angleterre, ainsi que vous l'aviez été pour tous nos honorables collègues.

En vertu de cette reconnaissance, je crois devoir vous informer officiellement, et par un sentiment de déférence pour votre Gouvernement, que je tiens à votre disposition la personne de M. le Capitaine de Wolfe Carvell, lequel, décrété de prisé de corps, s'était réfugié sous le pavillon Français, à l'époque où votre caractère et vos privilèges vous étaient contestés.

Aujourd'hui que cet incident est vidé de la manière la plus satisfaisante, nous devons procéder à la translation de M. Carvell d'une Legation à l'autre.

Si l'heure de midi vous convient, Monsieur et cher collègue, nous l'opérerions ensemble demain, Samedi 31, dans la voiture de M. de Lisboa, qui a bien voulu la mettre à notre disposition et en compagnie du Secrétaire de sa Légation, M. da Ponte.

Agréez, Monsieur et cher collègue, une nouvelle assurance de ma considération distinguée, et de mes sentimens très dévoués.

(signé) E. de Lesseps.

Monsieur J. Barton,
Chargé d'Affaires de S. M. Britannique,
à Lima.

Enclosure 2, in No. 15.

Legation Britannique au Pérou,
Lima, le 30 Août 1861.

Monsieur et cher Collègue,
J'ai reçu la lettre que vous avez bien voulu m'adresser, sous la date de ce jour, et dans laquelle vous m'informés que vous tenés à ma disposition, Mons. le Capitaine de Wolfe Carvell, que s'était réfugié sous le pavillon Français pour les motifs que nous sont connus.

Je ne puis qu'accéder à toutes les dispositions prisés pour la translation d'une Légation à l'autre de ce sujet de S. M. Britannique, que nous réaliserons demain à midi, et je profite de cette occasion, mon cher collègue, pour vous faire tant au nom de mon Gouvernement qu'au mien, les remercimens les plus empressés pour l'assistance que vous avez bien voulu prêter de la manière la plus noble et la plus généreuse au dit Capitaine Carvell.

Recevez, Monsieur et cher collègue, l'assurance de toute mon estime et de mes sentimens cordialement dévoués.

(signé) John Barton.

Monsieur E. de Lesseps,
&c. &c. &c.

Enclosure 3, in No. 15.

(Translation.)

(Confidential and very private.)

Lima, 30 August 1861,

Four o'clock, P.M.

Señor Minister and very esteemed Friend,
 We hasten confidentially to acquaint you that, by mutual consent, Captain de Wolfe Carvell will be transferred to-morrow to the Legation of Her Britannic Majesty in Lima. This transference will be made in the coach of the Minister of Brazil, who with much goodness has placed it at our disposal, and it will take place at twelve o'clock in the day, in our company and that of the Secretary of the Legation of that Empire. We have believed it our duty to notify this change to your Excellency, who has acted in this matter with so much delicacy; and we flatter ourselves with the hope that the necessary steps will be taken to prevent any obstacle on the part of the agents of the public peace. We shall be very grateful for your reply, that there is no impediment at the hour fixed upon.

We take this opportunity, &c.

(signed) *E. de Lesseps.**John Barton.*

His Excellency Don José Fabio Melgar,
 &c. &c. &c., Lima.

Enclosure 4, in No. 15.

(Translation.)

(Confidential, private.)

Very esteemed Friends and Gentlemen,

31 August.

It was not possible for me to read, until last night at 11½, the esteemed private letter which you addressed to me at four o'clock in the afternoon, relative to Mr. Carvell.

You will do me the favour to believe that I do not know what to reply at this moment, your esteemed letter having upset all the data which, until yesterday, I had a knowledge of upon this matter. It is necessary that I should amply explain myself verbally.

But as regards the act, which you look upon as possible on the part of the agents of the public order, I can state that, according to the steps which I have observed the judges and the police to follow, it appears to me that that act will not take place.

I am extremely occupied with the attention which on this day I have to give to his Excellency the President, and therefore you will be so good and excuse the imperfections of this letter.

I am, &c.

(signed) *José Fabio Melgar.*

E. de Lesseps and John Barton, Esqrs.

Pour copie conforme à l'original.

(signed) *E. de Lesseps.*

— No. 16. —

EXTRACT of a DESPATCH from Mr. Barton; dated Lima, 14 September 1861.

—Received 14 October.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 31st of July last, numbered 31, and in conformity with the principle expressed at the conclusion of the 3d paragraph, that "Her Majesty's Government cannot interfere for the present in the matter," I have abstained from any official communication with the Peruvian Minister for Foreign Affairs in Captain Carvell's case, until I receive further instructions on the subject; but as your Lordship has authorised me, at the end of your Lordship's Despatch, "to facilitate Captain Carvell's release, as far as possible, upon such terms and conditions as may be practicable," I have had an interview with the Peruvian Minister for Foreign Affairs, at which I urged his Excellency's interference with the Judge "Gamboa" (who issued the order for Captain Carvell's arrest for not giving up the property which was received from this Legation, and upon which property

I told his Excellency that the judicial authorities of Peru had no claim, neither by the Peruvian Laws nor by the Law of Nations) to withdraw such order of arrest, and allow Captain Carvell to return to his house and continue the lawsuit, promising that should Captain Carvell's person be respected I would not in any way interfere until I received further instructions from your Lordship. To this request his Excellency gave me a decided refusal, stating that it was against the Constitution of Peru for the Executive to interfere in any way with the judicial authorities.

I omitted, in my Despatch of the 29th of August last, No. 9, to forward to your Lordship another article of the Code of Laws which bears on Captain Carvell's case, and have now the honour to transmit copy and translation of it (Article No. 33 of the Code of Laws), which expressly states that "Foreigners enjoy in Peru all the rights relating to the security of their persons and property, and to the free administration of the latter."

Captain Carvell has named an "apoderado," and has petitioned the "Corte Superior" to allow him, on medical certificates, to go to Chili for the benefit of his health.

I have the honour to transmit herewith a letter from Captain Carvell, dated the 12th instant, with two enclosures, and their translations.

Enclosure in No. 16.

Sir,

British Legation, Lima, 12 September 1861.

I BEG to enclose the accompanying extracts, from the Civil Code of Peru, which bear upon the fraud and embezzlement of British chattel property committed by Peruvians, aided and abetted by the Peruvian Courts and Executive authorities; also articles which refer to the property of foreigners in Peru.

I also wish to call particular attention to a case relative to the will of an Englishwoman dying in France, which was submitted to the Imperial Court on or about the 14th of June last.

An unmarried lady named Kelly died at Versailles, in which place she had resided for some years.

The Prerogative Court of Canterbury, in England, decreed that the property of the lady be taken by Mr. Wassal, who was the executor, and should be distributed by him according to the will. That gentleman called upon the French Domaine to give up the property to him, but that department refused.

An action was brought before the civil tribunal at Versailles, by Mr. Wassal, as testamentary executor. The Court postponed its decision until Mr. Wassal should produce some information, which he did not consider himself bound to do, and appealed to the Imperial Court, which Court gave judgment as follows:—

"Although Miss Kelly was proved to have resided in France 25 years, she had never been naturalised, nor even domiciled, and consequently, as regards her property, she was under the law of England."

I fear that many of the salient points of the case have been lost sight of on account of the lengthy correspondence rendered necessary by the various phases which the case has assumed, owing to the tortuous policy pursued by the Peruvian Government.

Of the accompanying articles, extracted from the Civil Code of Peru, Nos. 5, 33, 41, and 694 refer more particularly to the illegality of the acts of the Peruvian Authorities, and their conduct towards me when in the execution of my duty as executor to British property, in conformity with the orders and instructions of Her Majesty's Courts; Nos. 759, 1326, 1327, and 1359 refer to the property belonging to the estate of the late Michael Winder, now in possession of different persons in Lima. I have to request you will be pleased to call the special attention of Her Majesty's Principal Secretary of State for Foreign Affairs to those Articles.

I beg to thank you most sincerely for the interest and trouble you have taken in this business during the last fortnight, and also for your kindness and attention since I have enjoyed your hospitality and protection under the flag of this Legation.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

John Barton, Esq.,
Her Britannic Majesty's Chargé d'Affaires,
&c. &c. &c., Lima.

(Translation).

EXTRACTS from the Civil Code of Peru.

Article 759. INHERITORS who may have stolen or embezzled any property belonging to the estate cannot have the benefit arising from the inventories, and lose their right to the property stolen or embezzled, which shall afterwards belong to the coheirs who have had no share in the fraud, and in default of the latter to their legal heirs.

Article 1326. There is no legal sale of property which belongs to others, nor can one buy what is his own.

Article 1327. Should property be sold belonging to another, the buyer does not acquire any right or control over it, but the mere holding or possession which the seller might have had himself.

Article 1359. The administrator of private property, and the agent, both require to have a special order or power of attorney granted or given them by the owner of the said property before effecting any sale of it.

(Translation).

EXTRACTS from the Civil Code of Peru.

Article 5. FIXED or real estate (bienes inmuebles) are subject to the laws of the Republic, whatever may be the country or condition of the owner.

Article 33. Foreigners enjoy in Peru all the rights concerning the security of their persons and their property, as also the free disposal and administration of the latter.

Article 41. A Peruvian woman married to a foreigner, and a foreign woman married to a Peruvian, follow the condition of their husbands. Should they become widows, the former recovers and the latter retains the rights of a Peruvian, as long as they may reside in Peru.

Article 694. Foreigners having in Peru a wholesale commercial house are permitted to dispose of the same according to the laws of their native country.

— No. 17. —

(No. 6.)

The Right Honourable Earl *Russell* to Mr. *Barton*.

Sir,

Foreign Office, 16 October 1861.

I HAVE consulted the law officers of the Crown on your Despatches Nos. 3, 8, 9, and 10, of the 14th and 29th of August, respecting Mr. Carvell's position at Lima; and I have to state to you that they do not in any way alter my views on this case, as stated in my Despatch No. 31, of the 31st of July.

The only new fact of any importance stated in these Papers is that Mr. Carvell, on being threatened with imprisonment for disobedience to an order of the Peruvian Court, whose jurisdiction and authority he still refuses to acknowledge, took refuge in the French Legation, where, by the last account, he was secure from molestation.

The only observation that I have to make on that point is, that you would not have been authorised to afford such asylum to Mr. Carvell with a view of enabling him to evade obedience to the Peruvian Courts in a matter in regard to which, whatever may be the conduct of certain parties in Peru, Her Majesty's Government has not a legal right to interfere.

I have further to state to you, that I approve of your having declined to accede to Captain Carvell's request that he might be allowed to redeposit the property in dispute in the British Legation.

It is evident, from all Mr. Carvell's letters, that he has never correctly understood his own position. He mistakes the nature of a British probate, and erroneously imagines himself to be exempted by it from Peruvian jurisdiction, on the ground that he is "the delegate of Her Majesty's Courts." While Mr. Carvell asserts a position so entirely untenable, it is not easy to disengage any real ground of complaint which he may have, on the score of the malversation

of the Peruvian officials, from the obvious difficulties in which he has placed himself by denying a legal jurisdiction.

With regard to the opinion which appears to be entertained by some of the Diplomatic Corps at Lima, I have to observe that the question of jurisdiction, and the question of the law by which the succession of a British subject dying possessed of moveable property abroad ought to be regulated, have been confounded. The latter question ought to be determined according to the law of the deceased person's domicile; but the determination of it, as regards all moveable property situate and brought into litigation in Peru, rests with the Peruvian Courts.

You will continue carefully to watch the proceedings in this case, and report to me thereupon from time to time.

There is, however, a further view of the question, apart from strict considerations of International Law. It appears that the administration of the law in Peru is so defective, that what ought to be a simple detention of the person is often perverted into a vindictive imprisonment of an individual, to the injury of his health, and even to the danger of his life.

In consideration of these exceptional circumstances, I approve of your having received Mr. Carvell into your custody, as stated in your Despatch No. 11, of the 10th instant; but it must be clearly understood that his residence in your premises is intended only to secure him from arrest and illtreatment, and is in no other manner to affect the decision of the main question, which, as explained in this Despatch, belongs to the tribunals of Peru.

I am, &c.
(signed) *Russell.*

(No. 9.)

— No. 18. —

The Right Honourable Earl *Russell* to Mr. *Barton*.

Sir,

Foreign Office, 13 November 1861.

I HAVE to state to you that Colonel The O'Gorman Mahon, M.P., having called my attention to the case of Captain Carvell, I requested Her Majesty's law officers to place themselves in communication with him, in order that they might avail themselves of such verbal explanations and statements as The O'Gorman Mahon might have to offer in support of Captain Carvell's case.

The law officers have, in consequence, entered into a full discussion of the matter with The O'Gorman Mahon, and they inform me that the facts stated to them are not such as to alter the opinions they have already expressed on the case, and on which my instructions to Mr. Jerningham have been founded.

The law officers also inform me that, as they understand from The O'Gorman Mahon, there are at least nine different suits or proceedings pending in Peru in relation to the effects of the late Mr. Winder, in eight of which Captain Carvell does not deny the jurisdiction of the Peruvian Courts, and that the ninth appears to them to stand on the same footing in this respect.

I am, &c.
(signed) *Russell.*

— No. 19. —

(No. 28.)

Mr. *Barton* to the Right Honourable Earl *Russell*.

My Lord,

British Legation, Lima, 14 November 1861.

I HAVE the honour to transmit herewith to your Lordship the copies of a letter received from Captain Carvell, and its enclosure; and to be, with the highest respect,

My Lord, &c.
(signed) *John Barton.*

The Earl Russell,
&c. &c. &c.

No. 1.

No. 2.

Enclosure 1, in No. 19.

Sir,

British Legation, Lima, 5 November 1861.

I HAVE the honour to enclose copy of a letter I received, a few days since, from Mr. Henry who is acting for me, by power of attorney, touching my affairs here.

Before and since the receipt of Mr. Henry's letter I endeavoured to get some lawyer, among those reputed to be the best in Lima, to conduct my case, and defend my interests, before the Supreme Court; but I have been altogether unsuccessful.

After my case had been shamefully abandoned, at a most critical moment, by Dr. Tejada (the lawyer who first had charge of it), I induced Dr. Gutierrez to take the cause in charge, and for a few weeks he showed energy and determination in conducting it; but I regret to state that he (Dr. Gutierrez) has also succumbed, either to the cajolery or intimidation of the Peruvian authorities, and has of late shown himself inimical to the interests I represent, and, as my lawyer, has committed three distinct acts, greatly to my prejudice, so that, in self-defence, I have been obliged to decline having any more to do with him.

The cause was tried yesterday before the Supreme Court, and all my attempts to get a lawyer to take up and defend my interests, to demand justice, and maintain the majesty of the law before the said Court were frustrated by some secret influence of the Peruvian authorities.

It seems scarcely credible that, in a country professing to be civilized, I could not find a lawyer of any considerable social standing or ability to prosecute my just rights, and to demand from the highest legal tribunal in Peru the impartial administration of the law, in a question involving the robbery and loss of nearly half-a-million dollars of British property, belonging to minors.

The excuses offered by the lawyers were various: some said they had formerly been on terms of intimacy with Manuel Winder, and, whilst expressing themselves warmly against the atrocious crime committed by him and his accomplices, begged to be excused from having anything to do with the case; others stated that it would not be patriotic to employ their talents against a Peruvian in support of a foreigner; others there were who expressed their willingness to take up so clear and plain a case, if they were free to act, but, with reference to their future prospects in their profession, stated they would be absolutely ruined if found taking part against the views entertained by the Government authorities here—the determined hostility of the Peruvian Government towards me being notorious. Yet Manuel Winder, an absconded felon, against whom an order of imprisonment has existed for over eight months, is allowed to be represented by a person holding his power of attorney, bearing date 23d February 1861, the very day on which he disappeared, and is also allowed to appear by his lawyer before the Courts.

It is matter of notoriety that Manuel Winder is at this moment concealed in the house of one of his accomplices in the crime committed, occasionally changing his residence to an adjacent convent, for the benefit of exercise in the grounds thereunto belonging.

The order for his imprisonment, given by and signed by Judge Carrillo (one of the criminal judges of Lima), has not been carried out, and has proved to be of no more value than the paper on which it is written; and yet the Peruvian Government have frequently expressed to the Government of Her Majesty their wish to afford justice to foreigners, more particularly to those being subjects of Her Majesty the Queen of Great Britain.

The hollowness and mockery of such promises are so apparent, that I trust Her Majesty's Government will readily recognise the bad faith which has characterised the conduct of the authorities of Peru.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

John Barton, Esq.,
H. B. M.'s Acting Chargé d'Affaires,
&c. &c. &c.

Enclosure 2, in No. 19.

Monsieur,

Mardi soir, le 22 Octobre 1861.

J'ai le regret de vous annoncer que, malgré toutes les démarches que j'ai faites, et tous les efforts que j'ai tentés, il m'a été absolument impossible jusqu'à présent de trouver parmi les membres distingués du bureau de Lima, un avocat qui veuille bien se charger de présenter la défense verbale de votre affaire devant la Cour Suprême.

Ceux mêmes sur qui nous comptions le plus, nous ont lâchement abandonné au moment de l'action.

Vous savez combien nous avions crû de bonne foi en la promesse de Monsieur Cisneros; il a refusé; Monsieur Loaysa en a fait de même; Tejada, Albertini et consorts en ont fait de même; d'autres m'ont témoigné des dispositions presque hostiles. Monsieur Arenas, comme associé de Monsieur Loaysa, n'a pu que faire comme lui, malgré son incontestable talent; il n'était pas propre à développer cet exposé verbal; tout le reste m'a paru très froid, et j'en conclus que ces gens là ont peur de se compromettre en s'occupant de votre affaire.

J'opine qu'il sera plus sûr et plus prudent de faire vous-même un informe écrit auquel nous pourrions ajouter toutes les preuves qui tout récemment encore sont venues à l'appui

de votre droit, et présenter à tout hazard cet informe écrit à la Cour Suprême; si la cour a encore un certain fonds de pudeur, et veut bien vous faire justice, votre relation écrite aura tout le succès qu'aurait un exposé verbal; le principal en tout ceci, c'est qu'on veuille bien oublier un peu que vous êtes Anglais, et vous faire justice absolument comme si vous étiez un sang pur descendant de feu Manco-Capac. Réfléchissez d'ici demain; car il faut vous reveil le matin avec une bonne et décisive détermination.

A vous de cœur,
(signé) *Charles Henry.*
Lima, le 20 Octobre 1861.

Monsieur Henry de Wolfe Carvell,
à Lima.

— No. 20. —

(No. 32.)

Mr. *Barton* to the Right Honourable Earl *Russell*.

My Lord,

British Legation, Lima, 29 November 1861.

In conformity with the instructions contained in your Lordship's Despatch, No. 6, of the 16th October last, "to continue carefully to watch the proceedings in this case (Captain Carvell), and to report to me thereupon from time to time," I have the honour to transmit herewith to your Lordship copies of two letters received from Captain Carvell, with their enclosures, as only through him am I enabled to get any information regarding the proceedings in his case.

In the letter marked No. 1, Mr. Carvell states that "the conduct of the French Chargé d'Affaires in affording me asylum and protection has been approved of by the Government of the Emperor of the French;" but I consider it expedient to transcribe the exact terms of said approval for your Lordship's information, which terms were sent to me by Monsieur de Lesseps in a private note, dated the 19th of November; they are as follows:—

"M. de Thouvenel me dit en propres termes,

"Monsieur: J'ai reçu les dépêches que vous m'avez fait l'honneur de m'écrire jusqu'au No. 33. Il m'a paru que dans l'incident relatif à Mr. Henry de Wolfe Carvell, vous aviez, autant que les circonstances de cette affaire vous le permettaient, concilié toutes les convenances."

In my Despatch, No. 19, of the 29th of September last, I informed your Lordship that Mr. Carvell had named an "apoderado," and I now beg to acquaint your Lordship that the Judge "Gamboa" has, at the request of the Widow Winder, refused to admit the party named.

The criminal suit against Manuel Winder has been decided against him in the "Corte Superior," and the Judge Carrillo has been ordered to condemn him, against whom Manuel Winder has appealed; but as the sentence of the Supreme Court has not yet been sent to Captain Carvell, I cannot furnish your Lordship with the full particulars at present.

I presume I am not to consider Mr. Carvell as a prisoner, although your Lordship has used the word "custody" in approving of my having received Mr. Carvell into the Legation.

I will take leave to state to your Lordship that, in all human probability, the lawsuit between Mr. Carvell and the Widow Winder will last for several months, and possibly for years.

I have, &c.
(signed) *John Barton.*

The Earl Russell,
&c. &c. &c.

Enclosure 1, in No. 20.

Monsieur le Capitaine,

Lima, 29 Septembre 1861.

J'AI reçu la lettre que vous m'adressiez le 19 de ce mois en me remerciant de l'asile que vous avez trouvé dans la Chancellerie de France à l'époque où l'Honorable Monsieur Barton, n'avait pas encore été reconnu comme Agent Diplomatique de votre Gracieuse Souveraine; car il ne vous était pas permis alors de vous réfugier sous votre propre bannière, pour vous soustraire au décret d'arrestation rendu contre vous, et qui compromettait à la fois vos jours et votre liberté.

Tout

Tout en vous remerciant avec effusion des termes flatteurs qu'emprunte votre reconnaissance, et en rendant hommage aux sentimens qui les ont dictés, vous me permettez, Monsieur, de ne pas les accepter dans toute leur étendue. Notre rôle en pareille circonstance, nous était rigoureusement indiqué; d'un côté, par l'intime et solide alliance qui unit nos puissans Souverains et nos deux nations. N'était-ce pas en l'absence d'un représentant accrédité de l'Angleterre à l'agent de l'Empereur que revenait l'honneur et le devoir de protéger et de défendre les intérêts et les droits de vos compatriotes? d'autre part, ne donnions nous pas un nouveau gage de nos sentimens envers le Pérou que nous servions au risque de lui déplaire, en rendant impossible l'exécution d'un jugement sans base comme sans motif qui n'est que l'erreur de juges oublieux des principes les plus élémentaires du droit des gens. Ni gouvernement ni tribunaux ne pouvaient s'immiscer dans des actes passés en Chancellerie entre un chef de mission et son administré, sans violer le privilège de la juridiction personnelle, consacrée par la pratique universelle, et par l'unanimité des publicistes sur la matière. Un but multiple était donc atteint, défendre un droit dont le corps diplomatique était solidaire, et qu'il s'est empressé de réclamer dès qu'il l'a vu méconnu, sauvegarder votre existence menacée au dire des gens de l'art les plus autorisés, enfin, épargner au Pérou une dangereuse responsabilité, si vous eussiez succombé dans ses prisons. Cet événement devenait le point de départ d'accusations aussi graves que méritées de votre Cabinet contre celui de Lima, d'autant plus compromis qu'il avait été officiellement averti de la gravité attestée de votre maladie comme des conséquences mortelles d'une incarcération.

D'après cela, Monsieur, rien de plus naturel que vous trouviez un refuge sous le pavillon Français. L'alliance de nos pays, l'humanité, le droit, et notre bon vouloir envers le Gouvernement du Général Castilla, tout semblait s'être réuni pour l'expliquer et le justifier.

Passons maintenant, Monsieur, à un autre point important sur lequel je serais heureux d'être également d'accord avec vous. Tandis que vous paraissiez croire que le Gouvernement Péruvien s'est fait le complaisant exécuter des décisions erronées de juges, la preuve du contraire ne ressort-elle pas du silence et de l'inaction de l'autorité qui ne vous a jamais réclamé à l'époque où vous étiez sous notre pavillon?

Veuillez croire que dans mes communications fréquentes à votre sujet, il n'a rien été dit qui révélât les intentions attribuées au Gouvernement Péruvien. Je me plais à espérer que vous en serez convaincu le jour prochain où vous devrez aux démarches de Monsieur Barton, qui défend votre cause d'une main aussi ferme que mesurée, la faculté de rétablir votre santé sous un autre climat moins contraire à l'affection dont vous êtes atteint. J'apprendrais donc avec plaisir pour vous, comme pour les autorités Péruviennes, qu'elles vous eussent accordé l'autorisation que réclament vos souffrances.

Je termine en vous assurant que je suis profondément pénétré des souhaits que vous formez pour ma carrière; je vous les rends bien sincèrement en faisant des vœux pour le rétablissement de votre santé et le succès de votre procès.

Recevez, Monsieur, l'assurance de toute mon estime, et de mes sentimens les plus dévoués.

(signé) *E. de Lesseps.*

Monsieur Henry de Wolfe Carvell,
Capitaine au Service de Sa Majesté, la Reine
de la Grande Bretagne.

Enclosure 2, in No. 20.

Sir,

British Legation, Lima, 25 November 1861.

I HAVE the honour to enclose copy of a letter I received some time since from Monsieur Edmond de Lesseps, the French Chargé d'Affaires accredited to Peru.

At the time the letter was written, Monsieur Edmond de Lesseps felt assured the Peruvian Government would speedily correct the errors and wrongs arising out of either the ignorance or perversity of the Peruvian judicial authorities.

In that expectation, Monsieur de Lesseps has been mistaken, and the illegal proceedings against me are still permitted.

The conduct of the French Chargé d'Affaires, in affording me asylum and protection from the wrongs and injustice to which I was exposed, on account of the illegal proceedings of the Peruvian Courts, has been approved of by the Government of the Emperor of the French.

Monsieur de Lesseps, from having fully discussed my affairs here with Mr. Jerningham, was in a position to thoroughly understand them, when he stepped between me and the Peruvian authorities to prevent the execution of an unjust sentence.

I forbear to make any comments on the letter, as his opinions are clearly expressed therein, but merely observe that his (Monsieur de Lesseps) anticipations that the Peruvian

Government would correct the abuses from which I was being so victimised, have not been realised.

I have to request you will be pleased to draw the attention of Her Majesty's Government to the enclosed letter.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

P.S.—I have the permission of Monsieur de Lesseps to make use of his letter.

(signed) *H. de W. C.*

John Barron, Esq.,
Her Britannic Majesty's Acting Chargé d'Affaires,
&c. &c. &c.

Sir,

British Legation, Lima, 27 November 1861.

I HAVE the honour to enclose the accompanying documents, marked respectively (A.) (B.) and (C.) which clearly and manifestly establish the injustice to which I have been subjected by the ignorance and hostility of a Peruvian judge.

The Judge Gamboa, of whom I have so much to complain, has violated at the same time the laws of this country and those recognised and practised by civilised nations as "international law." He has violated the laws of Peru, in suspending the effects of the will of the late Mr. Michael Winder (a British subject), and placing interdiction on me as executor thereof, in opposition to Article 792 of the "Codigo de Enjuiciamientos," which says, "La nulidad deducida no suspende los efectos del instrumenta."

Other laws, and the practice of this country, fully show the illegality of the proceedings of this judge. He has violated the principles of "le droit des gens," in placing an interdiction on me as executor to the will of a British subject, made and proved in England, in due conformity with the requirements of English law, it being fully and thoroughly established by all writers of eminence on international law (of whom more than forty can be quoted), that Judge Gamboa was incompetent to revoke or suspend the effects of the will of a British subject, dying and domiciled in England; and the accompanying consultations and opinions of the first jurists in Peru condemn the proceedings of Judge Gamboa as illegal.

By placing interdiction on me, as executor, the judge has suspended the effects of the will, and attacked its validity; yet, according to the law of this country, he should first have declared the will null and void before he could lawfully place interdiction against me, or attempt to revoke the power conferred upon me in a public instrument by an English Court.

On the 13th March last, this judge, on the mere application of Mrs. Winder, who was not even named executrix, launched an order of interdiction against me, accompanied by an order of arrest, and taking from under my care and charge the testator's legitimate son, Michael (a minor), of whom I was named guardian in the will, and approved of by the Court in England, my offence seemingly consisting in having received letters of administration from the Court of Probate of England, and presented them in this country, as I had not at that time received one farthing of the property, which was subsequently handed me by Her Majesty's Chargé d'Affaires, the Honourable William Stafford Jerningham.

The laws of this country state that an inventory should at once be taken of the estate of a person deceased. I applied for such inventory, in conformity with the law, on the 25th of February last, but it has not been granted up to this date. Yet, Mrs. Winder has been placed in possession of various houses in this city belonging to the estate, and is recovering the rents arising from them, such a proceeding, previous to an inventory, being in direct opposition to the written laws of this country.

Indeed, so numerous are the arbitrary and unlawful acts which have been practised, that, to refer to them here would be to defeat the object of this letter, which is that of bringing the accompanying consultations under the special notice of Her Majesty's Government.

The paper marked (A.) is the result of a consultation held by the late the Right Honourable the Attorney-General for the Crown, Sir Richard Bethell, and Mr. George Druce, of Lincoln's-inn, having deemed it necessary, before leaving England in January last, to have the best advice as to my power and duties as executor, and the mode of procedure, as such, to the large estate of my late father-in-law.

The opinion of Sir Richard Bethell and Mr. Druce was confirmed by the Court of Probate at Westminster (Sir Cresswell Cresswell presiding), and letters of administration granted me by the said court.

The paper marked (B.) is a consultation held by the lawyers, Doctors Don Antonio Arenas, Don Luciano Benjamin Cisneros, and Don José T. Loayza.

Dr. Arenas is considered to be the most profound lawyer in Peru, enjoying the highest social position, his high character and integrity being recognised by all. He is President of the "Comision Permanente Legislativa," a body appointed by Congress to guard the interests of the country during the recess, and was formerly Minister for Foreign Affairs.

Dr.

Dr. Cisneros is a very distinguished lawyer, and after Dr. Arenas, is considered the best at the Peruvian bar. He is Professor of "le Droit des Gens" (international law) at the National University of San Carlos in Lima, where he holds the Professor's chair in that branch of the University.

Of the third, Dr. Loayza, I know nothing more than that he is considered a respectable and able jurist.

The paper marked (C.) is the result of a consultation on one of the several questions submitted to Dr. Don Coribio Pacheco, and Dr. Don José Ciriaco Hurtado. The first is a very eminent jurist, and an author who has written learnedly on jurisprudence and international law.

I have consulted those gentlemen referred to as being the most eminent; but there are many others, or, in fact, I believe all the respectable portion of those gentlemen who compose the Peruvian bar, are of the same opinion.

I feel assured that I must have hitherto failed in making this case intelligible to Her Majesty's Government, or the law officers of the Crown, judging from the results of the information I have already afforded.

By attempting to deal with the numerous phases of the case, which rapidly succeeded each other, and to follow the tortuous and incomprehensible conduct of the Peruvian authorities in this matter, I fear I may have, in so large a correspondence, somewhat departed from and lost the kernel of the main question, that of "interdiction" pronounced against me; a fault which I have endeavoured to correct in this communication, more particularly in reference to the said "interdiction," which the first jurists in this country declare to be illegal, as will be seen on reference to the enclosed documents, and which I trust may serve to elucidate the question.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

Note—You will please observe that these opinions are given by the same parties who declined to defend me in Court.

H. de W. C.

John Barton, Esq.,
Her Britannic Majesty's Acting Chargé d'Affaires,
&c. &c. &c., Lima.

(A.)

ON the part of Mr. Carvell, the executor, the opinion of Mr. Attorney General and Mr. Druce, in consultation, is requested upon the following questions:—

1st. Whether the Consolidated Bonds of the Peruvian Government, belonging to the testator in Peru, are comprehended within the gifts contained in his Lima will of "Cash belonging to him, and in deposit at his Lima house;" or, "of all the other documents of amounts owing him, such as that of Reborg, Dartnell, and others;" or are to be considered as altogether undisposed of by that will?

2d. If it should be considered that the Lima will has no operation upon the Consolidated Bonds, whether they fall into the general residue of the testator's property given by his English will, dated the 12th June 1860, or are to be dealt with as altogether undisposed of by him, as in the case of an intestacy?

And,—

3d. Whether the testator's Lima will is to be construed according to English law, and his estate in Peru be administered according to that law, or according to the law of Peru?

1st. We are of opinion that, according to the true construction of the Lima will, the testator's consolidated Bonds of the Peruvian Government are not comprehended in the gifts above referred to, but are undisposed of by that instrument.

2d. We are of opinion, that the Consolidated Bonds, and all other the testator's moveable property, as well as that in Lima or elsewhere, not effectually disposed of by the Lima will, are comprised in, and pass by the residuary bequest contained in the English will of 12th June 1860.

3d. The law of Peru must regulate the disposition of the testator's real estate situate in that country. As regards the testator's moveable property; both wills, when proved, will have to be construed, and the testator's personal estate will have to be administered, according to the law of the testator's domicile, which was clearly English.

The will called the Lima will must be proved in this country.

(signed) *Richard Bethell.*
George Druce.

L. T., 14 January 1861.

(A true copy.)

British Legation, Lima,
28 November 1861.

Henry de Wolfe Carvell.

(Translation.)

(B.)

Mr. Henry de Wolfe Carvell.

THE undersigned, Doctors of Law having attentively examined the grave questions which you have submitted for their consideration, relative to the will of the late Mr. Michael Winder, after a lengthened discussion on the matter, in which they have endeavoured impartially to discover the truth, now proceed to remit you their opinions, responding in this manner to the confidence which has been manifested by you in their integrity and professional knowledge.

The undersigned are of opinion,—that the bonds of the Consolidated Internal Debt, even if considered as bonds to bearer when endorsed in blank by the persons in whose favour they were issued, are not subject to such condition so long as the endorsement of the first owners be given in favour of a particular person. In this last case, the bonds cannot be prejudiced nor disposed of, unless by the endorsee himself, or by one whom he may have sufficiently authorised to dispose of them. This rule is founded on the legal dispositions (natural fitness), and on the juridical doctrines, which protect the right of property. The rights which constitute the control of a thing cannot be transferred to another person, neither in whole nor in part, unless by the consent of the owner himself; and in a case in which those bonds are endorsed in favour of a particular person, the owner is not any person or holder, but solely the endorsee. To suppose that against the will of the latter a disposal of them could be effected, is to overthrow the whole theory of right, and confound endorsements in favour of particular persons with those which are general and undetermined, in which the endorser agrees to transfer his rights to the holder of the bonds.

The undersigned Doctors of Law, in virtue of the above considerations, and that Mr. Manuel Winder did not obtain from his father, Mr. Michael Winder, power to dispose of the bonds, are of opinion: that the alienations made by the said Mr. Manuel Winder are not legitimate, it being the right of the other inheritors of the said Mr. Michael Winder to claim the said bonds from the actual holders.

You likewise ask us whether the will made by Mr. Michael Winder, in England, and invested with all the formalities and requirements which the English law demands, is of any value.

The answer seems to us very simple. The solemnities of a will are those which are determined by the law of the testator's domicile, excepting the requisites to prove its authority, which the law of the country may demand, where it may have to produce its effects. According to this principle, the will under consideration must be reputed valid as regards its requirements, if the formalities have been observed, which are designed for such acts by the English law.

Consequently, those who appear named as executors in that testamentary disposition are authorised to exercise their functions in Peru, notwithstanding that certain clauses of the will be contested by any of the heirs.

As regards the question which you address us, relative to the claims made by Mrs. Carmen Lored, for the delivery to her of one-half of the total of the property, the undersigned think it unnecessary to detain themselves in considering whether Mrs. Winder, by the mere fact of her marriage with Mr. Winder (an Englishman), has lost her nationality; because, the laws of this Republic, which concede to married women the right over one-half of the property which has been acquired during the matrimony, does not exact the quality of being Peruvians.

It being, however, a rule of international law, that moveable property is subject to the law of domicile, and the immoveable to that of the country where it may be situated, the undersigned do not hesitate to affirm, that to Doña Carmen belongs, without any dispute, one-half of the immoveable property existing in Peru, whether it appears as having been bought by herself, or by her husband, Mr. Michael Winder; and, as regards the moveable property, the dispositions of the testator must be complied with.

Lima, 25 October 1861.

(signed) *Antonio Arenas,
José T. Lodyza.*

HAVING been consulted only as regards the second part of the present consultation, I adhere to the opinion of my co-professors in that part.

(signed) *Luciano Benjamin Cisnéros.*

(True copy.)

British Legation, Lima,
28 November 1861.*Henry de Wolfe Carvell.*

(C.)

(Translation.)

SECOND QUESTION.

Is a will valid which is made in a foreign country, with the formalities required by the law of that country? Can the executor instituted in that will be deprived of his office solely on account of the testament or will being objected to as null?

To resolve the first of these two points, we have in our codes very clear and definite laws.

The Article 679 of the Civil Code declares a will to be valid made by a Peruvian in a foreign country, either before a Diplomatic or a Consular Agent, according to the dispositions of that code, and in the forms established by the laws of the country where the testator may be.

Therefore, by induction, the will of a foreigner made in his native country, and according to law, will likewise be valid.

What this means is, that a Peruvian shall have, in a foreign country, two ways of making his will, whilst the native shall only have one. It is superfluous having recourse to inductions in this matter.

A will is a public instrument, and, according to Articles 810 and 811 of the Code of Procedure (Codigo de Enjuiciamientos), public documents made in a foreign country ought to be received in good faith in judicature (hacen fé enjuicio), so long as they have been certified at a Peruvian Legation or Consulate existing in that country, or at the office of Foreign Affairs of Peru. Consequently, if the will made by Mr. Winder in England, according to the formalities prescribed by the English law, be duly certified, it must be received in full faith (plena fé) in judicature; only the fact of its not being duly attested could reduce it to the class of a private document. Furnished with that requisite, and notwithstanding it may be objected to as null, its effects must not be suspended during the proceedings on the question of nullity. The Article 729 of the Code of Procedure (Codigo de Enjuiciamientos) orders and so disposes.

We now come to the second point, that is, to know if the nullity of a will be simply deduced, can the executor of that same will be deprived of his office before the nullity be declared? It must categorically be answered—No.

The naming of an executor, and the exercise of his functions, are effects of the will itself; and, since the law declares that a public document must produce its effects, notwithstanding the nullity deduced, it is likewise very clear that the executor named in it shall be considered as such, and that he shall continue in the exercise of his functions, so long as the lawsuit about the nullity may last; and only in the case of its being declared null, shall he cease to be executor.

To suspend the exercise of his functions, it must first be necessary to deny his office as executor; that is to say, if in case of two or more individuals being designated as executors, it was required to know to which of them devolved the charge; in this case the question of the executorship can be discussed before that of nullity, or even both together.

Lima, 19 October 1861.

(signed) *T. Pacheco,*
T. Ciriaco Hurtado.

(True copy.)

Henry de Wolfe Carvell.

British Legation, Lima, 28 November 1861.

—No. 21.—

(No. 9.)

Mr. Barton to the Right Honourable Earl Russell.

My Lord,

British Legation, Lima,
14 January 1862.

I HAVE the honour to transmit herewith to your Lordship copies of two letters received from Captain Carvell, at the last moment, although dated the 13th instant, which, as he is very anxious to have forwarded by the present mail, I forward without any comments.

The Earl Russell,
&c., &c., &c.

I have, &c.
(signed) *John Barton.*

No. 1.

No. 2.

No. 3.

Enclosure 1, in No. 21.

Sir,

Lima, 13 January 1862.

I HAVE the honour to state, for the information of Her Majesty's Principal Secretary of State for Foreign Affairs, that I send home by this mail, certified copies of the proceedings of the Peruvian courts of law against me, as executor to the estate of the late Mr. Winder.

The proceedings in the case of the demand (by Mrs. Winder) have passed the Supreme Court, so that I have no further appeal in this country.

The best and most respectable lawyers here declare the proceedings taken against me illegal, and I doubt not but that the law officers of the Crown will not only pronounce them illegal, but an outrage on the law and comity of nations as understood and practised by civilized States.

Since my arrival in Lima I have been the victim of mere caprice on the part of Peruvian authorities, and not treated as a person prosecuting and defending his rights before legal tribunals.

I will not here enter into the long series of wrongs and the injustice I have suffered since my arrival in Peru; some of these have been already recorded in former correspondence. Suffice it, for the present, to say that I have been 10 months confined as a prisoner to the city of Lima, the last five of which in close confinement, and this to avoid a loathsome imprisonment in a Peruvian gaol, arising out of unjust and unjustifiable proceedings on the part of the authorities of this Republic.

It is almost superfluous to add, that my eyes are anxiously turned to my own Government for deliverance from the cruelty and injustice practised towards me by the Peruvian authorities, and which I have borne for so many long and weary months.

Before leaving London I consulted the late Attorney General (Sir R. Bethell) as to my duties, and the manner in which I was to perform them. I remarked that, "I hoped I should not meet with any difficulties, but that South American Republics generally, and Peru in particular, were notorious for the bad faith and venality of their judicial and executive authorities." He replied, "If we have to deal with a civilized people in a transaction so clear, there can be neither delay nor difficulty; but should they act as barbarians, Her Majesty's Government will know how to treat them."

Sir, they have acted as barbarians, and I hope the words of the late Attorney General may be verified.

I beg to add, that Señor Olivares, the judge who had been from the commencement directed by the executive authorities to afford me the necessary judicial assistance in the case, and who sent to me for the will on the 26th February (to whom it was on that day delivered), has been superseded, and another judge nominated in his place, at the request and on the instigation of Mrs. Winder, a family relative of Señor Melgar (Minister for Foreign Affairs at that time), to whom he accorded a lengthened interview at the Foreign Office immediately after he had bluntly and coarsely refused to see me when I called on the same business.

One of my counsel, Señor Albertini, having been sent for and spoken to by Señor Melgar, afterwards informed me that he could no longer protect my rights nor afford me assistance, as his own ruin would be the consequence of his doing so. Señor Fejedo resigned from intimidation, and repeated the same thing, that he should be ruined, &c. Thus I have been deprived of the assistance of the most respectable lawyers of this wretched country.

I have endeavoured for the last four months to get some lawyer of ability and respectable standing to prosecute and defend my interests. I have applied to seven or eight, and have been refused; they acknowledged the hardship of my case, and that it was clear that I had been, and was being, treated most unjustly, but they must decline publicly lending me their support. When pressed for reasons for so extraordinary a proceeding, they made various pleas. Some said it would not be patriotic to defend a foreigner against native interests: some said that on account of the illegalities hitherto practised by the Peruvian judges in this case, that it must become a diplomatic and international question, and they would not take a part against their own Government. They all seem to have received the "mot d'ordre" from the executive authorities, and I cannot get any assistance in consequence.

These matters have now reached a position from whence I have no appeal but to my own Government, and to that Government I do hereby formally appeal, sending home the judicial proceedings, and humbly asking for that justice to which, as a loyal and faithful British subject, I am entitled.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

John Barton, Esq.,
H. B. M.'s Acting Chargé d'Affaires,
&c., &c., Lima.

Enclosure 2, in No. 21.

Sir,

British Legation, Lima, 13 January 1862.

I HAVE the honour to state, with reference to a paragraph in Earl Russell's Despatch stating that there were "nine lawsuits against the late Mr. Winder's estate," that this is an error, as there is no lawsuit against the estate, with the exception of one claim for the trifling sum of 700 L., and this made by a man for a deposit left with Manuel Winder, and after

after he absconded he made his claim against the executors, for a transaction which was purely personal between himself and Manuel Winder. The estate does not owe one dollar, but there are large sums owing to it. It is true that after the detected concealment of Manuel Winder in the house of Judge Ponce, the latter sent a person to make some fabulous claim. He came to me, and before he left he acknowledged before several witnesses that he had no claim, but had been advised by Judge Ponce to make one! He seemed ashamed of himself, and went away, and that was the last I heard of him or of his claim.

There are two *bonâ fide* lawsuits in this case: the criminal one against Manuel Winder, and the suit instituted by Mrs. Winder to have the will declared null and void, myself placed under interdiction as executor, &c. The others are mere incidents, and, with the exception of my application for inventories and my complaint against Judge Ponce, were merely got up to create embarrassments, and being without foundation and mere absurdity, were not proceeded with.

I beg to enclose a list of the two *bonâ fide* lawsuits, and the incidents arising out of them.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

John Barton, Esq.,
H.B.M.'s Acting Chargés d'Affaires, &c., &c.,
Lima.

Enclosure 3, in No. 21.

No. 1. Lawsuit instituted by the widow to declare null and void the will of Michael Winder, Esq. Sentence of interdiction and arrest against Henry Wolfe Carvell, Esq., and deposit of bonds held by him. Before Dr. Emmanuel German Gamboa.

No. 2. Criminal lawsuit instituted against Manuel Winder for robbery, by Henry Wolfe Carvell, Esq., before the Judge, Dr. William Carrillo.

No. 3. Proceedings regarding inventories, instituted by Henry Wolfe Carvell, Esq., before Judge Dr. Emmanuel Olivares.

No. 4. Proceedings regarding inventories, instituted by Mrs. Carmen Lorea Winder, before Judge Dr. Simon Gregorio Parades.

No. 5. Proceedings regarding inventories, begun by John Michael Winder, Esq., before Judge Dr. Emmanuel German Gamboa.

No. 6. Proceedings instituted by Dr. Luis Ponce, regarding the forcible entrance of his dwelling-house, which he imputes to Mr. Carvell. Before Judge Dr. Mariano Dorado.

No. 7. Proceedings instituted by Mr. Carvell against Dr. Louis Ponce for armed resistance to judicial authority, before Judge Dr. William Carrillo.

No. 8. Proceedings instituted by Mr. John Vincent Canacho, representative of Manuel Winder, against Mr. Carvell, for an advertisement published in the papers. Before Judge Dr. Luis Ponce.

No. 9. Another separate suit has been instituted, regarding "interdiction"; entitling it "restitution."

The above is a list of the lawsuits, and the incidents arising therefrom, handed me by the procurador, some six months ago.

The criminal prosecution against Manuel Winder, and the suit of Mrs. Winder against myself and the will, have been proceeded with. The others have not been followed up, and died from lack of vitality, being spurious causes, got up to create embarrassments, with the exception of my application to Judge Olivares for inventories.

Lima, 13 January 1862.

(signed) *Henry de Wolfe Carvell.*

— No. 22. —

(No. 4.)

EXTRACT of a DESPATCH from the Right Honourable Earl Russell to Mr. Barton.

Foreign Office, 16 January 1862.

WITH reference to your Despatch No. 32, I have to state to you that it gives no new reasons for the interference of Her Majesty's Government in Captain Carvell's case, either in regard to the general question raised and pending before the Peruvian courts, or as regards Captain Carvell's complaints against the proceedings

proceedings and decisions of those courts in matters pending before them, and within their jurisdiction.

I must request you to furnish me with a complete statement which will place the whole case clearly and concisely before Her Majesty's Government.

I am, &c.
(signed) *Russell.*

— No. 23. —

(No. 12.)

Mr. *Barton* to the Right Honourable Earl *Russell*.

British Legation, Lima,
27 January 1862.

My Lord,

I HAVE the honour to transmit herewith to your Lordship copy of a letter received this day from Captain Henry de Wolfe Carvell, as also copies and translations of a letter addressed by his lawyer, escribano, Don Diego L. Aliaga, to the commercial house of Messrs. Zaracondegui & Co., with their reply.

By these documents your Lordship will perceive that the order issued by Judge Gamboa on the 13th of March 1861, and presented both to the widow of the deceased Mr. Winder and to Captain Carvell, "to deposit in the hands of Messrs. Zaracondegui & Co. any amounts belonging to the estate of the deceased Michael Winder," was carried out only against Captain Carvell, who is a foreigner, and from the effects of which he escaped from being thrown into prison, by seeking an asylum in the French Legation, but had no effect whatever against the widow Winder, a Peruvian, as is clearly proved by the answer given to Mr. Aliaga's note by Messrs. Zaracondegui & Co., who declare "that they have no knowledge whatever of the deposit referred to in Mr. Aliaga's letter."

The Earl Russell,
&c. &c. &c.

I have, &c.
(signed) *John Barton.*

Enclosure 1, in No. 23.

British Legation, Lima,
27 January 1862.

Sir,

I HAVE the honour to enclose copies of certified copies of original documents presented before you at this Legation.

When, on the 13th March, of last year, Judge Gamboa issued his decrees against me, in the same document was one ordering the property of the late Michael Winder to be deposited in the commercial house of Zaracondegui & Co., deducting therefrom the sum of (200 dollars) two hundred dollars per month, as maintenance for Mrs. Winder (monthly).

I was informed by the highest legal authorities in Peru (in consultation assembled) that the proceedings and decrees of the judge were unjust, and not only a violation of international law, but also a flagrant violation of the laws of Peru.

It has long since become apparent that those decrees were issued in "bad faith," and that they were only intended to be carried out in so far as they might be prejudicial to me.

When, however, the authorities, both executive and judicial, had shown so much zeal in hurrying me to prison for non-compliance with their orders, I naturally supposed that their decree touching the deposit above alluded to, had in all other respects been strictly carried out.

The accompanying documents show that not one farthing has been deposited, and that the house of Zaracondegui & Co. know absolutely nothing about such deposit, or the order for such deposit.

Mrs. Winder, since the month of April last, inclusive, has been collecting the rents on the several houses belonging to the estate, also interests on documents, such as notes of hand, &c., even collecting the interest on documents left as legacies to some of the late Mr. Winder's employées.

She has no legal nor other right to thus set law and justice at defiance; but she is aided and abetted in these proceedings by Judge Gamboa, who has, by the connivance of the Peruvian Government, been permitted to set at nought all principles of law and justice, since the commencement of this business. The hostility of the Peruvian Government towards me is notorious. How many things may be notorious and true, yet difficult to prove to those six thousand miles distant! Much has been written on former occasions,

occasions, to show the injustice and bad treatment I have met with in this country. Much more—very much more might be adduced, but I decline entering upon a recital of fresh injuries and wrongs heaped upon me, day by day and week by week, by the basest and most corrupt authorities that ever degraded and disgraced any country pretending to be civilized.

If what has been previously stated in this case has failed to create in Her Majesty's Government a sense of injury and wrong perpetrated upon a British subject, I feel that nothing which I can urge or adduce will do so.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

John Barton, Esq.,
Her Britannic Majesty's Acting Chargé d'Affaires,
&c. &c. &c., Lima.

Enclosure 2, in No. 23.

(Translation.)

Gentlemen,

Lima, 18 January 1862.

As solicitor to Henry de Wolfe Carvell, Esq., I have the honour to address myself to you, to ascertain if, in compliance with the judicial order of the 13th March of the past year, 1861, issued by the Judge of First Instance, Dr. M. G. Gamboa, there have been deposited in your house any amounts belonging to the estate of the late Michael Winder, Esq.; and also if the rents of house property and interest due the said estate have been regularly deposited and accumulated in your house, deducting from them the sole amount of two hundred dollars, monthly to be given to Mrs. Carmen Lorea for her maintenance.

I await your reply to the foregoing points, for which I shall feel obliged, and remain

Yours, &c.
(signed) *James L. Aliaga.*

Messrs. Zاراcondegui & Co., Lima.

Dear Sir,

Lima, 18 January 1862.

In reply to your esteemed favour, annexed hereto, we have to inform you that we have no knowledge whatever of the deposit to which you refer, nor of the property belonging to the estate of the late Michael Winder, Esq.

Having thus answered your questions,

James L. Aliaga, Esq.

We remain, &c.
(signed) *Zaracondegui & Co.*

— No. 24. —

(No. 27.)

Mr. Barton to the Right Honourable Earl Russell.

British Legation, Lima,
12 March 1862.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 4, of the 16th January last, requesting me to furnish your Lordship with a complete statement of the whole case of Captain H. de Wolfe Carvell, in such a way as to clearly and concisely place it before Her Majesty's Government, which I will endeavour to do in as short a manner as possible.

Captain Carvell arrived in Lima on the 18th of February 1861, having in his possession a legalized copy of the last will and testament of the late Michael Winder, a British subject; who died in England, leaving a large amount of property, in houses, bonds, money, &c. In this will the following parties are named executors:—Michael Winder, son of the deceased (when he became of age), Henry de Wolfe Carvell, George Harlewood, José Manuel Urmeneta, Manuel Winder, and Juan Miguel Winder—the two last natural sons of the deceased.

Captain H. de Wolfe Carvell was the only one to whom probate was granted by the Court at Westminster.

On the day of his arrival here, Captain Carvell waited on the widow of the testator, and the will was read over to the family, when no objection was made to it.

On the 19th Captain Carvell, accompanied by Michael Winder, Manuel Winder, Juan Miguel Winder, and Mr. Holguin, examined the books kept by Manuel Winder, and found them to agree with a ledger which Captain Carvell had brought with him from England. Captain Carvell showed to Manuel Winder a receipt, which he had also brought from England, for Peruvian Bonds, amounting to 218,000 dollars, which were deposited in the house of Messrs. Graham, Rowe, & Co., British merchants in this city, which receipt Manuel Winder placed in his pocket.

At the request of Manuel Winder further proceedings were stopped for three or four days, on the plea that he was very much affected at the death of his father.

On the 20th Captain Carvell was informed that Manuel Winder, on the previous evening, had presented to Messrs. Graham, Rowe, & Co. the receipt for the 218,000 dollars, demanding that the bonds and cash in hand should be given up to him, which Mr. Pike, the managing partner of that house, declined to do, being in doubt if Manuel Winder was the party legally authorised to demand them.

Mr. Pike, that same evening, deposited the bonds above mentioned at the British Legation.

Captain Carvell requested, from Manuel Winder, the receipt above referred to, and also desired to see the contents of the iron chest in which, according to the books, should exist Peruvian Bonds of the value of three hundred and ninety-five thousand five hundred (395,500) dollars. Manuel Winder delivered up the receipt for the Peruvian Bonds in the house of Messrs. Graham, Rowe, & Co., but declined to open the iron chest, stating that the bonds for 395,500 dollars were not in it, he having deposited them for better security in the hands of a person who was daily expected from Chili. This conduct convinced Captain Carvell that Manuel Winder was not acting honestly; he proceeded to the house of the widow, Mrs. Winder, and was informed by her that she intended to dispute the will, as by Peruvian law she was entitled to one-half of the whole of the property of her deceased husband; that the legitimate children, Michael Winder and Captain Carvell's child, Blanche Carmen Carvell, were entitled to four-fifths of the other half of the whole of the property of the deceased; and the two illegitimate sons, Manuel Winder and Juan Miguel Winder, were entitled to the remaining one-fifth of the half. The Widow Winder also stated that her son Michael and her granddaughter Blanche Carmen Carvell would be her heirs at her death, and that it was her intention to leave her property equally between them.

On the 21st Captain Carvell laid the case before the Honourable William Stafford Jerningham, and requested his interference to save the property in the hands of Manuel Winder.

On the 22d, Mr. Jerningham and Captain Carvell proceeded together to the Peruvian Foreign Office. The Peruvian Minister for Foreign Affairs was not there, being sick; and they were received by Señor Don Juan Ezeta, chief clerk, who, after hearing the circumstances of the case explained to him, said that he would take the necessary steps to secure the person of Manuel Winder and the property in his possession, requesting, at the same time, that Mr. Jerningham should pass an official note on the subject, which was done.

On the 23d Captain Carvell waited upon Don Juan Ezeta, who acquainted Captain Carvell that nothing could be done before the 25th of February, as the judges were visiting the prisons.

On the 25th Captain Carvell again visited the Foreign Office (having been informed that Manuel Winder had absconded), and was informed by Señor Carrasco; neither the Minister nor the Chief Clerk being at the office, that they had received information of the escape of Manuel Winder, and had issued orders for his apprehension.

Señor Carrasco then acquainted Captain Carvell that he had received instructions from Señor Melgar to inform Captain Carvell that, in future, Captain Carvell must apply to the judicial authorities, as the Government could not interfere in his case.

Captain Carvell then applied to Judges Olivares and Carrillo, in presence of Mr. Beddy, Mr. Seacome, and Señor Carrasco, who both declined giving any assistance: Captain Carvell then applied to the Intendent of Police for assistance, which was refused by Colonel Baquero in a very uncourteous manner.

On

On the 26th the foregoing information was communicated to Her Majesty's Chargé d'Affaires, the Honourable William Stafford Jerningham.

On the 27th the Peruvian Minister for Foreign Affairs informed Mr. Jerningham that Captain Carvell's case must be brought before the Peruvian Courts; that, officially, he could not interfere further, but that every assistance that could be given should be so; and that he had issued an order to stop the payment of the interest on the Peruvian Bonds belonging to the estate of Michael Winder, as also to detain them, should they be presented for amortization.

On the 27th Judge Carrillo issued an order of "arraigo" or detention against Manuel Winder, who named Don Juan Vicente Camacho to be his attorney, and he was admitted as such by Judge Carrillo.

On the 28th Captain Carvell, fearing that Manuel Winder might get away from Peru, procured an order from Señor Melgar to the Peruvian Consul at Panama, to detain the said Manuel Winder, which order was sent to Panama by a special messenger, at an expense to Captain Carvell of 700 dollars.

On the 13th of March Judge Gamboa ordered the "arraigo" (detention) of Captain Carvell, at the request of the Widow Winder, who also demanded that the will should not be recognised as valid, and that her son (Michael Winder) should be taken out of the charge of Captain Carvell, against which Captain Carvell appealed to the Superior and Supreme Courts, both of which confirmed the sentence of Judge Gamboa.

On the 25th April orders were issued by Judge Carrillo for the apprehension of Manuel Winder, and that the bonds amortized by Miguel Pardo, Lorenzo Patroni, Pablo Perez, and José Herze, amounting to 39,000 dollars, should be replaced in the Treasury of the Public Credit.

In the month of May Captain Carvell procured from Judge Carrillo a warrant to apprehend Manuel Winder, as described in the Honourable Mr. Jerningham's Despatch, No. 22, dated the 28th of May 1861, which order was resisted by Judge Ponce.

On the 29th of July, the day after Mr. Jerningham left Peru, a sentry was placed at the door of the rooms which Captain Carvell occupied in the "Hotel Morin," for six days; when, receiving information that he would be taken and sent to the public prison ("carceletas") he sought asylum in the French Legation, where he remained until he was received at Her Majesty's Legation on the 31st August 1861.

On the 14th of September 1861, Captain Carvell applied to Judge Gamboa to have the "arraigo" raised, on account of ill-health, naming, at the same time, an attorney.

Mr. Henry, the attorney, was admitted, notification of which was ordered to be given to Mrs. Winder, who objected to him. When the "arraigo" was issued against Captain Carvell, Judge Gamboa stated in the order that Captain Carvell was to be detained until an attorney was named.

Inventory of the property has not been taken up to the present date.

The foregoing are the principal facts of the case, and I will now beg to call the attention of your Lordship to the opinion of three highly respectable Peruvian lawyers—Señor Arenas, considered as the head of the Peruvian Bar; Señor Cisneros, Professor of International Law at the College of San Carlos, and Señor Loayza—in which they pronounce that, in conformity with Peruvian law, the will of the late Mr. Winder is considered by them as valid, and that the moveable property belonging to that estate is subject to the will of the testator, as stated by those gentlemen in the enclosure marked, (B.) of Captain Carvell's letter to me dated the 27th November, forwarded in my Despatch, No. 32, of the 29th of November 1861: and, again, the opinion of the lawyers Señor Pacheco and Señor Hurtado, in regard to the validity of the will, is pronounced in the enclosure, as before mentioned, marked (C).

I have the honour to transmit herewith to your Lordship copy and translation of an exposition made by two other lawyers, Señor Ramon Gutierrez Paredes and Señor Nicholas Gomez, showing the irregularities committed by the judges in this case, by which the principles of Peruvian jurisprudence have been ignored and infringed by them.

From these opinions I deduce, that neither the judges of Peru nor the Peruvian courts of law had any right over either the property or the person of the executor holding a part of that property, without previously declaring the validity or non-validity of the will in question. Besides which, it appears to me that the validity

of the will was tacitly acknowledged in two instances: first, when Judge Carrillo issued an order for the apprehension of Manuel Winder; secondly, when Señor Melgar, the Peruvian Minister for Foreign Affairs, gave the like order to the Peruvian Consul at Panama to have the said Manuel Winder detained in case he should arrive at that city.

This case is still, after 12 months have elapsed, without any definite decision on the part of Judge Gamboa, to whom Mrs. Winder applied for the nullity of the will to be declared, of the Superior or the Supreme Courts, except so far as regards the criminality of Manuel Winder.

Mrs. Winder and her son, Michael Winder, are enjoying the rents of all the real estate; Manuel Winder has not delivered that part of the property entrusted to his care by the deceased, amounting to upwards of 400,000 dollars; and the Peruvian Bonds deposited in the British Legation, and subsequently delivered to Captain Carvell, are embargoed by Mrs. Winder.

It appears, therefore, clear that the lawsuit will never be concluded until Captain Carvell is released from his illegal "arraigo," as pronounced by the opinion of the lawyers Arenas, Cisneros, and Loayza; there being no person interested in its settlement except Mrs. Winder, who is now taking advantage of the decision given against Manuel Winder in the Superior Court, and there being no person to oppose her as long as Captain Carvell is a prisoner in this Legation.

I will further beg to call the attention of your Lordship to the fact, that after Captain Carvell had sought an asylum in the French Legation, and been transferred to the British Legation, no application has been made to either of those Legations for him to be given up, although I know that an official despatch was passed by the Minister of Justice to the Minister for Foreign Affairs to that effect.

This is the clearest and most concise statement I can furnish to your Lordship regarding Captain Henry de Wolfe Carvell's case; but should any further information be needed, I beg to inform your Lordship that Captain Carvell has remitted to London, to his legal advisers, Messieurs Dawes & Sons, solicitors, No. 9, Angel-court, Throgmorton-street, City, certified copies of all the documents appertaining to his case, with instructions to have them translated.

The Earl Russell,
&c. &c. &c.

I have, &c.
(signed) John Barton.

Enclosure in No. 24.

(Translation.)

THE subjoined is a brief statement made by the undersigned lawyers, after having examined dispassionately the different suits instituted against Henry de Wolfe Carvell, Esq., since he made application to the judicial authorities to have the provisions of the will carried out that was executed by Michael Winder, Esq., in order that the property existing in the Republic of Peru might be distributed according to the tenor of said will.

We find that the steps taken by Mr. Carvell have been in accordance with the legal forms established by the judicial authorities of this Republic, but the latter have ignored the principles of our jurisprudence; which, notwithstanding their being so clear and obvious, have been infringed, to the prejudice of the manifest rights conferred upon Mr. Carvell. Since—although he is the only executor duly sworn that has accepted the office—commencing the performance of his duties in England, under the double title of guardian to the minor Michael Winder, one of the heirs, here he has been stripped of his functions, without the slightest motive or form of trial; moreover, capriciously and in an indirect manner, that is to say, without penetrating to the bottom of the question, as ought to have been done when treating of the validity or invalidity of the will, respecting which they have remained silent until now, and have only busied themselves giving judgment on incidental questions upon points of the greatest transcendancy, as will appear evident from the laws hereafter noted, with the object of showing that they have been transgressed to the prejudice of the interests of the said Carvell.

It would be a long and useless task to take upon ourselves to analyse each one of the eight suits that have been capiously instituted, in order to distract the attention of Mr. Carvell from his principal object, and confuse him; suffice it that we point out the articles or laws some of which have been transgressed in their literal tenor, and others have been interpreted violently, without the slightest analogy of application. When the natural son, Manuel Winder, absconded, embezzling from the estate more than 500,000 dollars

in bonds, which caused the institution of a criminal suit against him, the most scandalous thing is, that in those judicial proceedings there is proof that the embezzler was secreted in the house of the Judge of First Instance, called Luis Ponce; and the gravest matter of all is, that the said judge should have made resistance in person to the police, when they went there to seize the absconded embezzler, and should have denied the authority of the judge who had cognisance of the criminal suit, and who had justly given an order for the forcible entrance of the said house of the judge who had secreted him.

There is also proof in these judicial proceedings that this criminal judge has not been suspended from his functions so far, notwithstanding that one of the gravest and best-substantiated accusations has been made against him before the tribunals.

Secreted as the embezzler of the 500,000 dollars in bonds still is, it is scandalous to observe that he is allowed to defend himself by proxy, when in accusations of this nature no proxy is admitted, as it is prohibited by the Law 12, Clause 5, Part 3.

In the judicial proceedings touching the invalidity of the will, Clause 810 of the Code of Judgment has been violated, which says—"Public documents executed in foreign countries must be proved in the Peruvian Legation or Consulate existing there, or in the Office of the Minister for Foreign Affairs in Peru."

Clause 811 has also been violated, which says:—"Entire faith and credit shall be given to the public documents proved according to the foregoing clause; those that are without this qualification shall be considered as private documents."

Clause 814 has also been violated, which points out the mode of procedure regarding documents executed in foreign countries, which has not been adopted by the judges of Peru with the will of Michael Winder, Esq., presented by Mr. Carvell as authentic and duly accompanied with every requisite. In the judicial proceedings touching the interdiction placed upon the executor, Mr. Carvell, Clause 826 of the Civil Code has been violated, which says:—"The executors shall give to the parties interested a true and faithful account of his executorship, immediately after having exercised it;" and Carvell has not been allowed to do this.

In the same manner, Clauses 827 and 816 have been violated, even supposing that he had been charged with malversation.

Clause 832 has likewise been violated, which authorises one of the executors, when there are several, to exercise the office by himself, by depriving him of his functions in a very gross manner, without having proved any malversation, or even having decided upon the validity or invalidity of the will, in a direct mode, and only incidentally.

Clause 837 has also been violated, which points out the method to be pursued in removing the executors for just causes.

Clause 552 of the Code of Judgment has also been violated, which lays down the conditions and requisites to be observed in ordering interdiction, which have not been complied with in the very hurried Judicial Order of the 1st May 1861.

Clauses 553 and 551 have been violated.

The gravest point in the interdiction arises from the fact that the judge who ordered it was not qualified to do so, as his jurisdiction had been denied, a plea of opposition having been put in directly against him, from whence results the violation of Clause 389, which says:—"If, pending the decision on the competency of two judges, it becomes urgent to take some measures, such shall be done by the order of two judges, if they can meet; and, if not, then by the one who has been petitioned in the matter, making note in the proceedings of the urgency of the steps taken;" which has not been done in the interdiction decreed against Carvell, in direct violation of Clause 1624, which prohibits the judge from altering any of the proceedings before agreed to and confirmed.

Clause 18 of the Regulations of the Tribunals has also been violated, because there it is laid down that it only appertains to the Supreme Court to hear the doubts of the other tribunals regarding the meaning of any law; whilst in the interdiction against Mr. Carvell, the Judge of First Instance has taken upon himself to interdict the meaning of the law.

Clause 1733 of the Code of Judgment has been violated, which admits of the interposition of a plea of nullity against the sentences which have been decreed during the time the jurisdiction has been contested; and the Supreme Court, by its sentence of the 19th July 1861, in which it declares the plea of nullity to be unfounded, transgresses the law, ignoring that which the Clause 1733 referred to, orders it to resolve as an especial part of its jurisdiction.

Clause 534 of the Code of Judgment has been violated, which orders that interdiction cannot be demanded, without accompanying the documents that substantiate or justify such demand, the judge being obliged in such case to ask for and hear the opinion of the family council (the party asking for the interdiction not being present at said council); whilst the interdiction launched against Carvell is completely isolated and wanting foundation, because neither documents have been presented, nor has a family council been held.

Therefore, taking into consideration the numerous infractions of the laws specified, there cannot be a doubt that the proceedings taken by those in opposition to Mr. Carvell are thus far illegal, and cannot be sustained in the opinion of anyone that examines them with an impartial eye, and who may be conversant with the Peruvian codes; because it is sufficient to read the law laid down in the clauses cited in the foregoing, and study the course of the proceedings, in order to convince oneself that not only have they been misapplied, but, what is worse, they are directly at variance with, and in contradiction to, what has been done to the prejudice of the manifest and unquestionable rights appertaining to Henry

de Wolfe Carvell, Esq., as would be easy of demonstration on judicial ground,* where the undersigned lawyers might be heard.

Finally, it is the greatest judicial anomaly that, whilst the different proceedings before mentioned were being carried on, no inventory of any kind has been taken, notwithstanding the demand of Carvell to that effect; every obstacle being thrown in the way of its information, under the most frivolous pretexts, until at last the estate of Winder has been left without representation, or, which is the same thing, without a representative; since the will has been neither refused nor accepted, up to the present time, by the judicial authorities; the case being that Mr. Carvell, invested with the double title of executor and guardian, never for a moment should have expected that the judicial authorities, far from recognizing him as holding the office bestowed upon him by a will executed with every formality, would have so crushed him, stripping him of his functions by means of pleas captiously got up, without having penetrated to the bottom of the question, up to the present time, as to the validity or invalidity of the will.

Lima, 28 January 1862.

(signed) *Ramon Gutierrez Paredes.*
Nicolas Gómez.

— No. 25. —

(No. 20.)

The Right Honourable Earl *Russell* to Mr. *Barton*.

Sir,

Foreign Office, 30 May 1862.

BEFORE I can be in a position to judge how far Her Majesty's Government would be justified in interfering in Captain Carvell's behalf, I should wish to have from you information on the following points:

1. Whether by the intimidation, or undue influence of the Peruvian Government, or of the judges of its courts, Captain Carvell has been really disabled from having the assistance of counsel to argue his case, bearing in mind that three advocates have recently given a strong written opinion in his favour, and against the proceedings and acts of the courts, in decided terms.

2. Whether the irregular or illegal acts of the courts, adverted to in the opinion of the three advocates, have been done in his absence from the courts, by reason of his refusal or omission to "appear therein," or, notwithstanding his having "appeared," and contested the validity of such acts.

3. Whether the acts of the courts are not hitherto "interlocutory," as opposed to "final," and whether they are open to further question, as by appeal, rehearing, application to set them aside, and so forth, on the part of Captain Carvell. And whether it is, or is not, still open to Captain Carvell to be heard before the courts upon the real substance and merits of the case, before any final decree is made as to the validity or operation of the will, or as to the title to the property of the deceased Mr. Winder.

4. Whether Captain Carvell has, in effect, admitted the Peruvian courts to have jurisdiction in several other suits or proceedings arising out of the same matter, whilst he continues to deny it in the particular suit in which the "arraigo" has issued against him, which led to his taking refuge in your Legation.

You will report to me fully on these points.

I have, &c.
(signed) *Russell.*

— No. 26. —

(No. 54.)

Mr. *Barton* to the Right Honourable Earl *Russell*.

My Lord,

British Legation, Lima, 10 July 1862.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 20, of the 30th of May last, and to reply to the four questions therein submitted to me, on which I am instructed fully to report.

Law Officer,
24 May 1862.

1. It

1. It is impossible to prove that Captain Carvell has been really disabled from having the assistance of counsel to argue his case, either by intimidation or undue influence of the Peruvian Government, or of the judges of its courts, but occurrences have taken place which tend to raise strong suspicions that such has, indirectly, been the case; for instance, Dr. Tejeda declined rendering open legal assistance to Captain Carvell, as explained in his letter to Captain Carvell, dated the 14th of June 1861. In Monsieur Henry's letter to Captain Carvell, dated the 22d of October of the same year, in which it is clearly stated that none of the counsel would undertake the case openly in court; nevertheless, some of these same counsel have not objected to give their opinion, as expressed in the report of the advocates, which opinion, strongly written, is in decided terms in favour of Captain Carvell, and against the proceedings and acts of the courts; and, in Captain Carvell's letter to Mr. Jerningham, dated the 20th of April 1861, in which he states that Dr. Tejeda said, in presence of a third person, that he should be ruined if he undertook Captain Carvell's case.

2. The irregular or illegal acts of the courts, adverted to in the opinion of the three advocates, have been done notwithstanding the appearance of Captain Carvell in court, who contested the validity of such acts.

3. The acts of the courts are, "interlocutory," as far as regards the validity or operation of the will, or as to the title to the property of the deceased Mr. Winder; but, it is necessary to observe that Judge Olivares was named by the "Superior Court," what is termed, "Juez Testamentaria;" and on the 25th of February 1861, Captain Carvell presented, in conformity with the order of that judge, a legalised copy of the will of the deceased Mr. Winder to "Judge Olivares." The widow of the deceased, in the following month of March, put in a petition to the "Superior Court," praying that Judge Gamboa should be appointed in the place of Judge Olivares, which was acceded to by the "Superior Court," and, up to the present date, no judgment has been given as to the validity or non-validity of the will of the deceased; consequently, no appeal can be made to the courts, Judge Gamboa not having pronounced sentence on the question in dispute, although the case has been before him since March 1861.

The act of the "Supreme Court" has been "final" in the criminal case against Manuel Winder, by the sentence of that court, dated November 1861; the Judge of First Instance (Carrillo), was ordered to apprehend Manuel Winder, and to stop the bonds which he had in his possession; and, in the civil case against Captain Carvell, in which he was ordered to deposit the property in his possession, in the hands of Messrs. Zaracondegui & Co., or to be sent to prison.

The first sentence of the court in regard to Manuel Winder has never been carried into execution, nor has the second, which was avoided by Captain Carvell taking refuge in the French Legation. The act has also been "final" in regard to the demands of the Widow Winder, presented to Judge Gamboa, requiring that her son, Michael Winder, should be taken from the guardianship of Captain Carvell; that she should have the administration of the property of the deceased, and that the nullity of the will should be declared.

The two first demands were allowed by Judge Gamboa, but no notice was taken of the third.

Captain Carvell appealed against the decision of the Judge of First Instance (Gamboa) both in the "Superior" and "Supreme Courts;" the sentence of Judge Gamboa was confirmed.

4. Captain Carvell has admitted the jurisdiction of the Peruvian courts in the proceedings relative to the will of the late Mr. Winder, but his three reasons for resisting the orders of Judge Gamboa to place him under arrest were,—

First. That the order of arrest was considered illegal by the opinions of the counsel, Messrs. Pacheco and Hurtado, and also by Messrs. Arenas, Loayza, and Cisneros, which opinions were afterwards procured in writing, and copies of which were transmitted to your Lordship, Enclosures marked (B.) and (C.), in my Despatch No. 27, of the 12th of March last.

Second. That it was unjust that Captain Carvell should be ordered to deposit that part of the property belonging to the estate of the deceased,

received by him from the British Legation, as the acknowledged executor of the deceased, whilst the Widow Winder was in the full possession of the remainder of the property, which property had been handed over to her by Judge Gamboa himself, instead of being deposited, as it should have been, until the validity or non-validity of the will was declared.

Third. That Judge Olivares was the "Juez Testamentaria" appointed by the order of the Superior Court, and, consequently, no other judge had any right to interfere in this case until the validity or non-validity of the will was determined.

The Earl Russell,
&c. &c.

I have, &c.
(signed) *John Barton.*

Enclosure 1, in No. 26.

(Translation.)

Dear Sir and Friend,

Lima, 14 June 1861.

LAST night's "Comercio," No. 6,493, publishes an article copied from the "Star and Herald," of Panama of the 24th May ultimo, which article gives to the judicial questions I at present defend for you a national character; likewise, speaking in it in rather an unfavourable manner against Peru, and its authorities.

I have decided, on account of this circumstance, to resign my intervention as your lawyer in this affair, and pray you to relieve me of it.

In that publication they say, of your having been imprisoned, it being so, that the "arraigo" to which they probably allude, is in nowise imprisonment—a conception I have always endeavoured to rectify in you, as such measure, which is taken in all countries, is never considered an imprisonment.

It likewise speaks of some fault of the government in the accomplishment of the measures it had offered to take; and notwithstanding this is not a judicial point, nor have I interfered with it, I cannot continue a defence which might later come in contact with an unfavourable assertion of a government, which, at all events, is that of my country.

Before now, you will recollect my insinuation, that if the judicial questions should become complicated to the extreme of assuming a diplomatic character, I would not continue, nor do anything which might favour this course.

Yourself, with the amiability which characterizes you, assented to it, and I even recollect, applauded my delicacy. The time is then arrived when I must proceed according to the case I had foreseen.

I am persuaded that in such publication you had no part at all; but, if so, I respect your convictions and the manner of viewing the question; but, as a Peruvian, I have greatly felt its contents.

You will please to accept that part of the labour I have taken in your defence, as a proof of the sincere affection produced in me by the sympathies of your fine and amiable treatment. As to the rest, I am sure I shall be relieved by yourself with advantage, as regards my abilities; but not so as regards my goodwill and affection, which are always at your disposal, as your friend and obedient servant.

(signed) *J. Siméon Tejada.*

Mr. Henry de Wolfe Carvell.

Enclosure 2, in No. 26.

Cher Monsieur,

Lima, le 22 Octobre 1861.

J'AI le regret de vous annoncer que, malgré toutes les démarches que j'ai faites, et tous les efforts que j'ai tentés, il m'a été absolument impossible jusqu'à présent de trouver parmi les membres distingués du barreau de Lima un avocat qui veuille bien se charger de présenter la défense verbale de votre affaire devant la Cour Suprême.

Ceux mêmes, sur qui nous comptions le plus, nous ont lâchement abandonné au moment de l'action.

* Vous savez combien nous avons crû de bonne foi en la promesse de Monsieur Cisneros; il a refusé; Monsieur Loayza en a fait de même; Tejada, Albertini et consorts en ont fait de même; d'autres m'ont témoigné des dispositions presque hostiles; Monsieur Arenas, comme associé de Monsieur Loayza, n'a pu que faire comme lui; du reste, malgré son incontestable talent, il n'était pas propre à développer cet exposé verbal; tout le reste m'a paru très froid, et j'en conclus que ces gens-là ont peur de se compromettre en s'occupant de votre affaire.

J'opine qu'il sera plus sûr et plus prudent de faire vous-même un informe écrit, auquel nous pourrions ajouter toutes les preuves qui tout récemment encore sont venues à l'appui de

de votre droit, et présenter à tout hazard cet informe écrit à la Cour Suprême; si la cour a encore un certain fonds de pudeur, et veut bien vous faire justice, votre relation écrite aura tout le succès qu'aurait un exposé verbal; le principal en tout ceci, c'est qu'on veuille bien oublier un peu que vous êtes Anglais, et vous faire justice absolument comme si vous étiez un sang pur descendant du feu Manco-Capac.

Réfléchissez d'ici demain; car il faut vous réveiller le matin avec une bonne et décisive détermination.

A vous de cœur,
(signé) *Charles Henry.*

Mons. Henry de Wolfe Carvell,
à Lima.

Enclosure 3, in No. 26.

Sir,

Lima, 20 April 1861.

I HAVE the honour to state for your information, that this day, at two o'clock P.M., Señor Teheda called on me at my hôtel, and, after talking over my affairs, said that it was with pain and regret, and he must add shame, as a Peruvian, that he had come to tell me, that he dared not do his duty, nor take the necessary steps to support me as his client, for fear of the vengeance of the Peruvian Government.

He said he was in a position to show up the whole fraud, and the complicity and connivance of the executive and judicial authorities; but, that he dared not do so, as he would be absolutely ruined; that the government was vindictive in the extreme, and corrupt from the highest to the lowest official, and that all hope of advancement in his profession (for which he had laboured long and arduously, and hoped soon to obtain) would be completely cut off, and at an end, if he did his duty as he knew it ought to be done in this case.

Señor Teheda evinced much emotion, and expressed his disgust and abhorrence at a state of things which prevented him doing his duty, without involving a sacrifice which would amount to his utter ruin; but expressed his willingness to assist me in any way that might not offend the Peruvian authorities.

I must do Señor Teheda the justice to say, that I think him above corruption; but not above nor free from intimidation emanating from the executive authorities, of which, in common with all who hold any official position here, he seems much in dread.

I have, &c.
(signed) *Henry de Wolfe Carvell.*

The Hon. William Stafford Jerningham,
&c. &c. &c., Lima.

— No. 27. —

(No. 60.)

Mr. *Barton* to the Right Honourable Earl *Russell*.

My Lord,

British Legation, Lima, 11 August 1862.

I HAVE the honour to transmit herewith copy of a letter addressed to me by Captain Henry de Wolfe Carvell, under date of the 9th instant, enclosing a medical certificate, copy of which I have also the honour to transmit to your Lordship, showing the deplorable condition to which he is reduced in health by the long and continued state of excitement under which he has laboured, from not having been able to bring his lawsuit to a close, and the absolute necessity of his taking some decided step to obtain that quiet upon which his present existence materially depends.

Captain Carvell requests me in that letter to afford him every aid and assistance to enable him to proceed on board Her Majesty's ship "Topaze."

I did not consider it necessary to return a written answer to Captain Carvell's letter but I informed him personally, that I could in no way assist him officially, Her Majesty's Government only having authorised me to give him an asylum.

I at the same time informed him, that as I did not consider him as a prisoner (as stated in the Despatch which I had the honour to address to your Lordship, under date of the 29th of November 1861, numbered 32), he was perfectly at liberty to act as he thought proper.

On the 10th instant, he left this Legation at a little before 6 P.M., and proceeded by the train to Callao, and embarked without meeting with any interruption; I have since learnt that he is on board of Her Majesty's ship "Topaze."

This morning I waited on his Excellency, the Peruvian Minister for Foreign Affairs, and advised his Excellency that Captain Carvell had left the Legation yesterday afternoon; his reasons for taking this step would be explained by the duplicate certificate of the Medical Board, which I had the honour to leave in the hands of his Excellency.

I considered it necessary to give this information to his Excellency, as the French Chargé d'Affaires had done so when Captain Carvell first was received at the French Legation, and Monsieur de Lesseps and myself jointly followed the same course when he was transferred from the French to the British Legation, on the 31st of August of last year.

No. 3.

I have likewise the honour to transmit to your Lordship copy of a second letter from Captain de Wolfe Carvell, dated the 10th instant, in which he expresses his grateful thanks to Her Majesty's Government for the protection vouchsafed to him by his country's flag.

Trusting that my conduct on this occasion will meet with your Lordship's approbation,

The Earl Russell,
&c. &c.

I have, &c.
(signed) *John Barton.*

Enclosure 1, in No. 27.

Sir,

British Legation, Lima, 9 August 1862.

I HAVE the honour to enclose proceedings of a Medical Board held yesterday on my state of health, showing the deplorable condition to which I am now reduced.

I have long waited in hopes that the authorities of this country might at length be animated by a sense of something like justice. I have waited in vain, and my hopes have not been realised.

There seems to exist the same determination to carry out the systematic injustice and delay which commenced more than 18 months ago.

I can no longer continue this unequal struggle, but wish to quit this country, placing on record my solemn protest against the ill-treatment, injustice, and grievous wrong, of which I have been the sufferer since the 14th March 1861.

As Her Majesty's Agent in Lima, I venture to hope you will afford me any aid and assistance that may be necessary to enable me to go on board Her Majesty's ship "Topaze."

Were it not that I am a suffering, perhaps a dying man, I would still hold out longer, and protest, by my presence, against what I conceive to be one of the most flagrant cases of injustice ever perpetrated by a civilised Government on a British subject.

I have, &c.
(signed) *Henry de Wolfe Carvell.*
John Barton, Esq.,
Her Britannic Majesty's Acting Chargé d'Affaires,
&c. &c. &c.

Enclosure 2, in No. 27.

COPY OF MEDICAL CERTIFICATE.

THIS is to certify those whom it may concern, that we, the undersigned, have this day carefully examined into the state of health of Captain Henry de Wolfe Carvell, at present residing at the British Legation, Lima, and find that the said Captain Carvell is labouring under hypertrophy of the heart, with aneurismal dilatation of the aorta; which disease, according to his own statement, has existed for several years, and has now attained an advanced stage.

This disease, from its nature, little amenable to treatment, and necessarily ultimately fatal, is one requiring the utmost repose, both of body and of mind.

All emotional exciting causes tend to hasten a fatal termination, and it becomes our duty to urge the great necessity of Captain Carvell's immediate removal from the pressure of the peculiar exciting, and disturbing causes which are now in operation—causes which can have but one effect, namely, to shorten such period of life as may yet remain to him.

Understanding that these exciting causes are connected with certain legal proceedings now in action in the Courts of Law, we earnestly recommend that Captain Carvell be at once

once removed from Peru, and permitted to rejoin his family, where he may meet with and have the benefit of those soothing attentions of affection which his case so much requires.

Given under our hands at the British Legation, Lima, this eighth day of August, One thousand eight hundred and sixty-two.

(signed) *Wm. Maclean,*
Physician to the British Legation.
Miguel de los Rios Tasset, D.M.S.
E. Chaussonnet,
Chirurgien Major de la Corvette
Française "Cornélie."
Charles Forbes, M.D., M.R.C.S. Eng.,
Surgeon, Royal Navy.
Leonard Lucas,
Assistant Surgeon, Royal Navy.

Enclosure 3, in No. 27.

Sir,

British Legation, Lima, 10 o'clock, A.M., 10 August 1862.

I HAVE the honour to inform you that, in consequence of our conversation this morning, I intend to leave the Legation to-day, and to proceed by rail-train to Callao, with a view of going on board Her Majesty's ship "Topaze," under the influence of circumstances explained in my letter of yesterday's date, and its enclosures.

On leaving, I beg to offer my grateful thanks, through you, to Her Majesty's Government, for the protection vouchsafed to me by my country's flag, which has prevented the execution of the unjust and oppressive measures instituted against me by the Peruvian Authorities.

I beg further to express my high appreciation of, and my gratitude and thanks for, the noble and generous hospitality accorded me during a period of nearly 12 months' residence as your guest, a residence that has become endeared to me from the great kindness and attention bestowed upon me personally by the members of your family, which have so much tended to mitigate the anxiety and distress consequent on a long (and otherwise painful) confinement to the house, under circumstances the most trying and, I may with safety add, the most unjust.

I have, &c.

(signed) *Henry de Wolfe Carvell.*

John Barton, Esq.,
Her Britannic Majesty's Chargé d'Affaires,
&c. &c. &c., Lima.

— No. 28. —

(No. 64.)

Mr. Barton to the Right Honourable Earl Russell.

My Lord,

British Legation, Lima, 29 August 1862.

I HAVE the honour to transmit herewith to your Lordship copy and translation of a Note received from the Peruvian Minister for Foreign Affairs, dated the 20th instant; as also copy and translation of a Despatch from Dr. Don Manuel G. Gamboa, Judge of the First Instance, to the Minister for Foreign Affairs, relative to the case of Captain Henry de Wolfe Carvell, together with a copy of my reply to the note of his Excellency.

By the former of these documents your Lordship will perceive that his Excellency Señor Ribeyro requests that I will inform him if this Legation affords protection to and if Captain Carvell is actually under the British flag.

To the first of these questions, I have informed his Excellency how Captain Carvell was first brought to this Legation in the month of August of last year, which act had been approved of by Her Majesty's Government, and how the Peruvian Government had then been informed of his removal from the French to the British Legation; and that on Captain Carvell's leaving this Legation on the 10th instant, I had taken the earliest opportunity of informing his Excellency of that fact, and of Captain Carvell's reasons for so doing, which were reported to your Lordship in my Despatch, No. 60, dated the 11th instant.

To the second question I did not conceive that any reply was necessary, as from the moment Captain Carvell left this Legation I considered my responsibility

No. 1.

No. 2.

No. 3.

bility at an end; and I, consequently, merely stated that he was on board of Her Majesty's ship "Topaze," as before reported to his Excellency verbally.

Trusting that my conduct will meet with your Lordship's approbation,

The Earl Russell,
&c. &c. &c.

I have, &c.
(signed) *John Barton.*

Enclosure 1, in No. 28.

(Translation.)

Lima, 20 August 1862.

I HAVE the honour to transmit to you, Sir, an authentic copy of the despatch which the Judge of First Instance of this capital, Don Manuel J. Gamboa, has addressed to me, containing a resolution, confirmed by the Superior Court of Lima, to place Mr. Henry de Wolfe Carvell in prison. With the object that this may take place, the Court solicits that inquiry be made of you if it is true that Her Britannic Majesty's Legation affords protection to the said Carvell; and that, in case of a negative, the proceeding indicated by the fiscal, registered in the enclosed copy, may be taken.

You, Sir, delivered to me, confidentially, a certificate of several physicians and surgeons, which shows that the said Carvell is in a bad state of health.

It appears to me that this cannot alter the state of the question; because the matter of Mr. Carvell being purely private, it is for the judge of the cause to examine the certificate, and to declare whether he can modify the situation of Carvell, or what may be most in conformity with the laws. Mr. Carvell himself should present his certificate to the judge; I could not do so without assuming the character of his attorney, a function which it certainly does not belong to me to exercise.

You, Sir, are too well acquainted of the laws and international practices to require me to prove that Carvell has no right to the asylum which it appears is afforded to him. The Peruvian Government has tolerated the asylum for political causes, although it has not conceded it; but for common causes, and much less for causes between private individuals, it has not tolerated it, nor has anyone pretended to sustain it.

As the resolutions of the tribunals in the case of Carvell should be duly carried out, and as this gentleman has been, as is notorious, in the house of the British Legation, I have the honour to address myself to Mr. Barton, to the effect that he have the goodness to tell me whether Mr. Carvell is still under the flag of Her Britannic Majesty, and if that Legation is disposed, which I do not expect, to give to him asylum.

I take this opportunity to renew to Mr. Barton the assurances, &c.

(signed) *Juan Antonio Ribeyro.*

To the Consul General in charge of the
Legation of Her Britannic Majesty.

Enclosure 2, in No. 28.

(Translation.)

To the Minister of State in the Department of Foreign Affairs.

Señor Minister,

Lima, 13 August 1862.

IN the cause carried on by Mrs. Carmen Lorrea, widow of Mr. Michael Winder, with Mr. Henry de Wolfe Carvell, regarding the delivery of certain property belonging to the estate of the said Michael Winder, an executive sentence has been pronounced by which the placing in the public prison of the said Mr. Henry de Wolfe Carvell is ordered, as a pressure prescribed by the Article 477 of the Judicial Code, until he returns the bonds which he arbitrarily retains in his possession. As the said executive sentence has not been carried out, on account of the said Carvell being living in the house of the Chargé d'Affaires of Her Britannic Majesty, a decree has been issued by this Court, dated 28th of May last, which has also been declared executive by the Superior Court, by which is ordered that a note be passed to you, Sir, with a transcription of the opinion of the fiscal of the superior tribunal, to the effect that you be so good and inquire of the Chargé d'Affaires of Her Britannic Majesty if it is true that the said gentleman affords protection in the present case to the said Mr. Henry de Wolfe Carvell, so that in case of a negative proceedings, in the manner and form indicated by the fiscal, may be taken.

Lima, 8 August 1862.

IN fulfilment of the executive decree, pass the note indicated with a transcription of the opinion of the fiscal of the Superior Court, as is solicited.

Gamboa. Before me, *Antonio Aragon.*

"Illustrious Sir,

"The fiscal says that, the order contained in the decree at *f. 18 bis.* having been fulfilled without having obtained the end with which the fresh note was reissued to the Minister for Foreign Affairs, by the appeal of *f. 49*, it should have for its object the soliciting of the said gentleman to be so good and pass the corresponding note to the British Consul, so that if he still affords asylum in his house to Mr. Henry de Wolfe Carvell, he may not prevent the removal (extradicion), and that the executive sentence pronounced in the cause may have exact observance, and to advise the court of having passed the said note for its ulterior dispositions. In virtue of the above, the fiscal is of opinion the said appeal should be confirmed, and that the note referred to should be in the terms indicated. Saving the better judgment of your Honor. Lima, 15 July 1862. "Valle."

Which I have the honour to acquaint you, Sir, of, for the ends to which I refer.

May God guard you, Sir!

(signed) *Manuel G. Gamboa.*

(This is a copy.)

(signed) *José A. Barrenechea,*
The Chief Officer.

Enclosure 3, in No. 28.

British Legation, Lima, 23 August 1862.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 20th instant, transmitting me an attested copy of the Despatch addressed to your Excellency by the Judge of First Instance, Don Manuel J. Gamboa, accompanied by a resolution, confirmed by the Superior Court of Lima, to place in prison the person of Henry de Wolfe Carvell, and inquiring of me if it is true that Her Britannic Majesty's Legation affords protection to the said Henry de Wolfe Carvell.

Your Excellency then further states, that I confidentially placed in your hands a certificate signed by several physicians and surgeons, showing the bad state of Mr. Carvell's health, which circumstance your Excellency affirms does not at all alter the state of the question, and which certificate, according to Peruvian law, should be presented to the judge by Mr. Carvell himself, and that your Excellency cannot present the said certificate without assuming the character of his attorney.

Your Excellency, after stating that the resolution of the tribunals in this affair must be carried out, and that it is notorious Mr. Carvell has been for some time in the British Legation, your Excellency requests to know if Mr. Carvell is actually under the British flag, and if this Legation is disposed (which your Excellency does not expect it is) to give to Mr. Carvell its protection.

In reply to these questions, I beg to inform your Excellency that when Henry de Wolfe Carvell was removed from the French Legation, in the month of August of last year, to this Legation, which act has been approved of by Her Majesty's Government, notice was given, both by the French Chargé d'Affaires and myself, to the then Peruvian Minister for Foreign Affairs, Señor Don José Fabio Melgar, of his having been so removed; and when Mr. Carvell quitted this Legation on the 10th instant, I, on the morning of the 11th instant, did myself the honour of waiting on your Excellency personally, and on handing to your Excellency the certificate of the alarming state of Mr. Henry de Wolfe Carvell's health, I distinctly stated to your Excellency that the object of my visit was to announce to your Excellency that Henry de Wolfe Carvell had left Her Majesty's Legation on the previous day (Sunday), and that his reasons for so doing would be explained by the contents of the certificate which I had the honour to leave with your Excellency, and that Mr. Carvell was at present on board of Her Majesty's ship "Topaze," in the Bay of Callao.

Your Excellency will, I feel persuaded, acquit me of any intention of presenting the medical certificate with the object of your Excellency's assuming the character of the attorney of Mr. Carvell, as at the time I had that honour, on the 11th instant, I had not received the note which your Excellency was pleased to address to me, under date of the 20th instant, nine days afterwards.

I avail myself of this opportunity to renew to your Excellency, &c.

His Excellency
The Peruvian Minister for Foreign Affairs,
&c. &c. &c.

(signed) *John Barton.*

— No. 29. —

(No. 73.)

Mr. Barton to the Right Honourable Earl Russell.

My Lord,

British Legation, Lima, 24 September 1862.

No. 1.

I HAVE the honour to transmit herewith to your Lordship copy and translation of a Note received from the Peruvian Minister for Foreign Affairs, dated the 16th instant, in which his Excellency demands, at the petition of Judge Gamboa, confirmed by the "Superior Court," the person of Henry de Wolfe Carvell.

This demand appears the more extraordinary, from the circumstance of my having verbally acquainted his Excellency that Mr. Carvell had left this Legation on the 10th ultimo, as reported in the Despatch which I had the honour to address to your Lordship, No. 60, of the 11th of August last.

No. 2.

In my reply, copy of which I likewise enclose herewith, I have avoided taking any notice of the remarks of his Excellency relative to the right of asylum, and have limited myself merely to a repetition of the manner in which Mr. Carvell came to this Legation, acquainting his Excellency that Her Majesty's Government having authorised me to afford him protection, I could not act in any way without previously receiving your Lordship's instructions.

I have, &c.

The Earl Russell,
&c. &c. &c.

(signed) John Barton.

Enclosure 1, in No. 29.

(Translation.)

Lima, 16 September 1862.

On the 20th ultimo I had the honour to transmit to you copy of a Resolution of the Judge of First Instance, Dr. Manuel G. Gamboa, confirmed by the Superior Court of Lima, to place in prison, as a measure of compulsion, the British subject Henry de Wolfe Carvell. In order that the resolution of the tribunals might have due fulfilment, I requested that you would be so good and inform me whether the said Carvell was under the British flag, and whether you, Sir, afforded him protection. On this occasion I stated that if in some cases the Government of Peru had tolerated, although not conceded, asylum for political causes, the asylum for common causes had not been tolerated, nor even had it been pretended to be sustained by any Legation. You, Sir, had the goodness to reply that Mr. Henry Carvell had been in the Legation, and that he had removed to Her Majesty's ship "Topaze," in the Bay of Callao. I cannot do less than congratulate myself that you, Sir, have not denied the unquestionable principles of international law which, on the subject of asylum, I referred to, and I do not doubt that you will accept them, and act in conformity to them. And it cannot be otherwise: because if a Legation should consider itself to have the right to give asylum to a private individual, taking him out of the jurisdiction of the tribunals and the power of the laws, the independence and the sovereignty of the country would be attacked, the very rights of private parties would fail to have the support of the authorities, and, international principles and the internal laws being once violated, there would be no other law nor principle than that of force. But if the resolutions of the tribunals and the laws are to be fulfilled, it is necessary, at the same time, to consider the respect due to the British flag; and therefore demanding, as I formally demand from that Legation, the person of Mr. Henry de Wolfe Carvell, I leave to your election the manner of effecting his delivery.

I take this opportunity to renew to the Honourable Mr. Barton the assurances,
&c.

The Honourable John Barton,
&c. &c. &c.

(signed) Juan Antonio Ribeyro.

Enclosure 2, in No. 29.

British Legation, Lima, 19 September 1862.

I HAVE the honour to acknowledge the receipt of the esteemed note which your Excellency addressed to me under date of the 16th instant, demanding the person of a British subject named Henry de Wolfe Carvell, leaving to my election the manner of his being delivered up.

In a note which I had the honour to address to your Excellency, dated the 23d of August last, I gave a full explanation to your Excellency of how Henry de Wolfe Carvell

vell came under the protection of this Legation, and, at the same time, I informed your Excellency that the Government of Her Majesty had approved of my having afforded that protection to Mr. Carvell; and I also stated that the said Carvell had left this Legation on the 10th of August last, and was at present on board of Her Majesty's ship "Topaze," in the Bay of Callao.

The protection given to Mr. Carvell having been approved of by Her Majesty's Government, it becomes my imperative duty to consult Her Majesty's Principal Secretary of State for Foreign Affairs on this subject, to which effect I shall transmit, by the mail to leave Callao on the 29th instant, copy of your Excellency's note previously referred to, and await the instructions of my Government, the purport of which I shall communicate to your Excellency as early as possible.

With the highest sentiments of respect, I have the honour to be, &c.

His Excellency the Peruvian Minister
for Foreign Affairs,
&c. &c. &c.

(signed) *John Barton.*

— No. 30. —

(No. 75.)

Mr. Barton to the Right Honourable Earl Russell.

My Lord, British Legation, Lima, 29 September 1862.

I HAVE the honour to acquaint your Lordship that Captain Carvell is still on board Her Majesty's ship "Topaze." He has given an ample power of attorney to Señor Don E. Perer de Velarco, an eminent lawyer of Caraccas, who was formerly Resident Minister from Venezuela to Peru, and who is at present residing in Lima, to act for him in everything relating to the will of the late Mr. Winder.

Mr. Velarco informs me that there is nothing at present to report to your Lordship on this case.

I believe it to be the intention of Captain Carvell to proceed to Panama in the "Topaze," which vessel sails to-morrow, on his way to England.

I have, &c.

The Earl Russell,
&c. &c. &c.

(signed) *John Barton.*

— No. 31. —

(No. 34.)

The Right Honourable Earl Russell to Mr. Barton.

Sir,

Foreign Office, 29 September 1862.

I HAVE consulted the law officers of the Crown upon your Despatch, No. 54, of the 10th July, containing information on certain points in connection with the proceedings in Peru against Captain Carvell, and I am advised that a case is not made out for the direct interference of Her Majesty's Government on Captain Carvell's behalf.

It is impossible to demand redress for an unjust decision on the ground that certain advocates, too timid to appear openly in court, express on paper a different opinion upon the law of the country from that which has been judicially delivered by a judge. Moreover, it does not appear that a final judgment has yet been pronounced on the most important question of the validity or invalidity of the will of which Captain Carvell has obtained an English probate.

That gentleman has now admitted the jurisdiction of the Peruvian tribunals, which he never ought to have contested, but he cannot only agree to admit that jurisdiction if it decides in his favour, and protest against it if it decides in favour of his adversary. With regard to the question as to the proper "*juez testamentaria*," I can express no opinion as to the person who ought to have been appointed; but if the order of the superior court has not been obeyed, that court must be appealed to to enforce its orders.

If, however, it is a fact that Captain Carvell was ordered to produce the property of the late Mr. Winder, which he received from Her Majesty's Legation, while

* (*Forum domicilii.*)

† (*Forum competentens.*)

Mrs. Winder was allowed to retain the remainder of the property, you will remonstrate with the Peruvian Government against this injustice; and you will, at all events, complain of the want of comity shown by their legal authorities in not recognising the law courts of the place of domicile*, admitted to be in England as the competent† court to try the question of the validity of the will, at least so far as the personal property is concerned; and you will press for a decision on this point from the Peruvian Government, which, contrary to general usage, they have thought proper to try themselves.

I am, &c.
(signed) *Russell.*

— No. 32. —

(No. 78.)

Mr. Barton to the Right Honourable Earl Russell.

My Lord,

British Legation, Lima, 8 October 1862.

No. 1.

I HAVE the honour to transmit herewith to your Lordship copy and translation of a note received from the Peruvian Minister for Foreign Affairs, dated the 3rd instant, requesting to know if Mr. Henry de Wolfe Carvell had sailed in Her Majesty's ship "Topaze," and if he had definitively left the territory of Peru.

No. 2.

In my answer, copy of which I likewise transmit, I have informed his Excellency that Mr. Carvell had sailed in the "Topaze;" but, as I am not aware of Mr. Carvell's future intentions, I regretted not being able to give the information required as regards his having definitively left the Republic of Peru.

The Earl Russell,
&c. &c. &c.

I have, &c.
(signed) *John Barton.*

Enclosure 1, in No. 32.

(Translation.)

Lima, 3 October 1862.

IN consequence of the note which I had the honour to address to you, Sir, under date of the 16th ultimo, demanding the person of the British subject Mr. Henry de Wolfe Carvell, in order that the resolution of the tribunals, which had ordered his detention, might be fulfilled, you, Sir, were pleased to state to me, in your note of the 19th of the same month, that the Government of Her Majesty the Queen having approved of the asylum given to Carvell, it was necessary to consult the Principal Secretary for Foreign Affairs upon this matter; but you, Sir, having assured me, in your previous notes, that Carvell was on board of Her Majesty's ship "Topaze," and it being notorious that this vessel has left the Bay of Callao for a foreign country, I am forced, in order to enable me to reply to the said note of the 19th ultimo, and to fix my line of conduct in this question, to request of you, Sir, to be so good and inform me if Carvell has sailed on board of the said vessel, and if he has definitively left the territory of Peru.

The Consul in Charge of
Her Britannic Majesty's Legation.

I avail myself, &c.
(signed) *Juan Antonio Ribeyro.*

Enclosure 2, in No. 32.

British Legation, Lima, 4 October 1862.

I HASTEN to reply to the esteemed note of your Excellency, of yesterday's date, requesting to be informed if Captain Henry de Wolfe Carvell had sailed in Her Majesty's ship "Topaze," and if he had definitively left the territory of Peru.

To the first of these questions I have the honour to acquaint your Excellency that Carvell did sail in Her Majesty's ship "Topaze;" to the second, I regret not being able to give the information required.

His Excellency the Peruvian Minister
for Foreign Affairs.

I avail myself, &c.
(signed) *John Barton.*

-- No. 33. --

(No. 90.)

Mr. *Barton* to the Right Honourable Earl *Russell*.

My Lord, British Legation, Lima, 12 November 1862.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch No. 34, dated the 29th September last, and, in conformity with the instructions therein contained, on the 8th instant I addressed a note to the Peruvian Minister for Foreign Affairs, copy of which I have the honour to transmit herewith, remonstrating with the Peruvian Government against the continued delay on the part of the judge of wills in not pronouncing as to the validity or invalidity of that of the late Mr. Michael Winder, complaining of the want of courtesy shown by the Peruvian legal authorities in not recognising the law courts of England, and pressing for a decision on the point of the validity or invalidity of the will in question.

I did not mention the injustice attempted against Captain Carvell for not producing the part of the property in his possession, as I am audibly informed that great part of the property now in possession of the widow Winder is hers, from the fact of its having been purchased in her name at a time when British subjects were not allowed to hold landed or household property in Peru, besides which, according to Peruvian law, all real property (*bienes muebles*), whoever be its owner, is subject to Peruvian law.

His Excellency Señor Paz Soldan has acknowledged the receipt of my note, copy and translation of which is enclosed, and has given the necessary orders to enable him to obtain the information required previous to sending his answer.

I am, &c.

The Earl Russell,
&c. &c. &c.

(signed) *John Barton*.

No. 1.

No. 2.

Enclosure 1, in No. 33.

British Legation, Lima, 8 November 1862.

THE undersigned, &c., has the honour to acquaint his Excellency, the Peruvian Minister for Foreign Affairs, that he has received instructions from the Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, to remonstrate with the Peruvian Government against the continued delay, on the part of the judge of testaments, in not pronouncing as to the validity or invalidity of the will made by the late Mr. Michael Winder, authentic copy of which will was presented on the 25th of February 1861 to Judge Olivares by the executor, Captain Henry de Wolfe Carvell, that judge having been appointed by the Superior Court of Lima as testamentary judge, to complain of the want of courtesy shown by the Peruvian legal authorities in not recognising the Law Courts of England, which was the place of domicile of Mr. Winder at the time of his death, as the competent courts to try the question of the will, at least so far as the personal property of the deceased is concerned; and to press for a decision on this point, which, contrary to general usage, the Peruvian legal authorities have thought proper to try themselves.

The undersigned has the honour to renew to his Excellency the assurances of his high consideration.

His Excellency the Peruvian Minister
for Foreign Affairs,
&c. &c. &c.

(signed) *John Barton*.

Enclosure 2, in No. 33.

(Translation.)

Lima, 11 Nov. 1862.

THE undersigned, Minister of Foreign Affairs of Peru, has had the honour to receive the estimable note which the honourable Consul in charge of the Legation and Consulate General of Her Britannic Majesty was pleased to address to him, dated the 8th instant, in which, in fulfilling the instructions transmitted by the Government of Her Majesty, he remonstrates against the delay which it is stated has taken place in the cause carried on by the British subject Henry de Wolfe Carvell.

The undersigned has given the necessary orders to obtain the indispensable information to enable him to reply to the above-mentioned note, meanwhile he renews to Mr. Barton the assurances of his very distinguished consideration.

Consul in charge of the Legation and
Consulate General of H. B. M.

(signed) *José G. Paz Soldan*.

—No. 34.—

(No. 93.)

Mr. Barton to the Right Honourable Earl Russell.

British Legation,

Lima, 29 November 1862.

My Lord,

IN continuation of the subject of the despatch which I had the honour to address to your Lordship on the 12th instant, numbered 90, I beg to acquaint your Lordship that no further answer has been received from the Peruvian Minister for Foreign Affairs to my note to his Excellency, of the 8th instant, than that already reported.

I regret not being able to carry out the instructions contained in your Lordship's despatch, No. 6, dated the 16th of October 1861, "to continue carefully to watch the proceedings in the case of Captain Carvell, and to report thereupon to your Lordship from time to time," it being impossible to learn the proceedings of the judges; this evil will, however, now be remedied, as Señor Velasco, who holds Captain Carvell's power of attorney, will inform Captain Carvell of everything that takes place; which information will of course be communicated to your Lordship if necessary.

I have, &c.

(signed) John Barton.

The Earl Russell,
&c. &c. &c.

—No. 35.—

(No. 21.)

Mr. Jerningham to the Right Hon. Earl Russell.

My Lord,

Lima, 28 January 1863.

I HAVE the honour to forward copy of a note which I have recently received from his Excellency the Peruvian Minister for Foreign Affairs, in answer to Mr. Barton's note of remonstrance to this Government on the delay of the Judicial Court's proceedings relative to the validity or nullity of the will of the late Mr. Michael Winder.

I have, &c.

(signed) Wm. Stafford Jerningham.

The Earl Russell, K.G.,
&c. &c. &c.

Enclosure in No. 35.

Lima, 24 de Enero, 1863.

EL infrascrito Ministro de Relaciones Exteriores del Perú, tiene el honor de dirigirse al H. Señor Encargado de Negocios y Consul General de S. M. B., con el objeto de contestar la nota que con fecha 8 de Noviembre ultimo dirigió á este despacho el H. Señor Barton representando contra la retardacion en los procedimientos de los jueces relativamente á la cuestion de validez ó nulidad del testamento del fuado D. Miguel Winder, contra la falta de Cortesia que le supone en los tribunales del Perú por no reconocer en el caso actual competencia en los de Inglaterra, ni aun en lo que se refiere á la fortuna personal del fuado, é instando con eficacia por una decision sobre este punto que las autoridades Peruanas han creído de su competencia.

De los respectivos informes que han evacuado los jueces de 1ª Instancia que conocen de la cuestion principal sobre nulidad del mencionado testamento y de las incidentales que los diversos interesados en la testamentaria han promovido en guarda de sus derechos, aparece con una exactitud matematica que, apesar de haberse sometido al conocimiento del juez la referida cuestion principal sobre nulidad del testamento desde mediados del año de 1861, y de haber por consiguiente trascurrido tiempo mas que suficiente para pronunciar sobre este particular resolucion definitiva, carece en lo absoluto de justicia el cargo formulado á este respecto como se convencerá el H. Señor Jerningham, por las razones que brevemente expondra el infrascrito en apoyo de su aserto. Si la referida cuestion sobre nulidad ó validez del testamento del finado Winder se hubiese interpuesto como se interpuso y hubiese recibido del juez la tramitacion que á su naturaleza corresponde, sin haber encontrado obstaculos de ningun género, de seguro que el H. Señor Barton no habria encontrado viso alguno de retardacion porque la causa hubiera ya recibido desde hace mucho tiempo, la sancion legal que corresponde. Pero desgraciadamente ha habido muchos interesados,

interesados, y cada uno de ellos con pretenciones opuestas; se han cruzado oposiciones en todo sentido que no han hecho mas que entorpecer la libre marcha de los procedimientos; han surgido artículos incidentales que han traído en pos de sí el mismo resultado, se han multiplicado las apelaciones y los demás recursos que las leyes franquiean en beneficio los litigantes principalmente los de recusación, declinatoria y otros y en medio de todo esto los jueces han tenido que dar cumplimiento á una disposición terminante de nuestro Código procedimientos en materia civil que les prohíbe promover de oficio los pleitos sobre intereses privados ó estimular á las partes á que los sigan. Esta ligera pero verídica narración de lo ocurrido en la causa á que el infrascrito se refiere convencerá al H. Señor Encargado de Negocios de S. M. B. de que la retardación á que alude el H. Señor Barton en su mencionada nota, no es imputable en manera alguna á los Tribunales de Justicia del Perú, sino á los mismos interesados, y particularmente á D. Enrique de Wolfe Carvell quien segun la exposición de los jueces, ha eludido, primero con repetidos artículos, después con subterfugios, y ultimamente con su evasión, las providencias coactivas que contra él há librado el poder judicial para hacer efectiva sus resoluciones.

Pasando ahora el infrascrito á ocuparse del segundo cargo contenido en la nota citada, hará notar á S. S. H. que ni se há suscitado hasta hoy cuestión alguna acerca de la autenticidad del testamento otorgado en Londres por D. Miguel Winder, ni en la que há surgido sobre su nulidad se há pronunciado aun, por los motivos expuestos, resolución alguna de carácter definitivo, ni finalmente se há entablado por ningun juzgado ni tribunal Ingles competencia alguna en el sentido genuino de esta palabra. Estas razones justifican suficientemente la reserva del infrascrito de no entrar en el fondo del argumento á que contesta, porque además de ser infundado, como lo manifestará en caso necesario, es prematuro y por consiguiente aventurado.

Con respecto á la pronta decisión del asunto por la que insta con eficacia el H. Señor Barton, el infrascrito tiene el honor de poner en conocimiento del H. Señor Jerningham, que con esta fecha se dirige á la Ilustrísima Corte Superior del departamento, á fin de que este tribunal re-encargue á los jueces que conocen de la causa, su pronto despacho, el que á pesar de los mayores esfuerzos será tardío, si subsisten las causas de que se há hecho mención en la primera parte de esta nota.

El infrascrito deja así contestada la ya citada nota de 8 de Noviembre último, que muy á su pesar ha retardado hoy por la necesidad que há tenido de pedir informes detallados en la materia; y aprovecha esta ocasión para reiterar al H. Señor Encargado de Negocios, &c.

(signed) *José G. Paz Soldan.*

Al H. Señor Encargado de Negocios y Consul
General de S. M. B.

— No. 36. —

(No. 27.)

Mr. Jerningham to the Right Honourable Earl Russell.

My Lord,

Lima, 7 February 1863.

THE press of business at this Legation between the departure of the steamers of the 13th and 29th ultimo, added to the ill health of my assistant, prevented my getting ready in time for the steamer of the latter date a translation of the note of his Excellency Señor Paz Soldan, of the 24th of January 1863, respecting Mr. Carvell's case, copy of which I transmitted to your Lordship in my Despatch No. 21, of the 28th ultimo, and I have now the honour to enclose herewith the translation of that document.

I have, &c.

The Earl Russell, K.G.
&c. &c. &c.

(signed) *William Stafford Jerningham.*

Enclosure in No. 36.

(Translation.)

Lima, 24 January 1863.

The undersigned, Minister for Foreign Affairs of Peru, has the honour to address the Chargé d'Affaires and Consul General of Her Britannic Majesty, with the object of replying to the note which, under date of the 8th of November last, the Honourable Mr. Barton addressed to this office, remonstrating against the delay in the proceedings of the judges relative to the question of the validity or nullity of the will of the deceased Mr. Michael Winder; against the want of courtesy supposed on the part of the tribunals of Peru, in not recognising in the present case the competency of those of England, nor even in that which refers to the personal property of the deceased, and urgently claiming for a decision upon this point, which the Peruvian authorities have believed to belong to their jurisdiction.

From the respective reports which the judges of the First Instance, who have cognisance

of the principal question regarding the nullity of the said will, and of the incidental questions which the several interested parties in the estate have moved in defence of their rights, have made, it appears, with mathematical exactness, that, notwithstanding the having submitted to the knowledge of the judge the said principal question as to the nullity of the will since the middle of the year 1861, and, consequently, more than sufficient time having passed to enable him to pronounce a definitive resolution upon the subject, the charge made is absolutely wanting of justice, as the Honourable Mr. Jerningham will be convinced by the reasons which the undersigned will briefly lay before him in support of his assertion. If the question referred to as to the nullity or validity of the will of the deceased Winder had been brought forward as it was and had been received from the judge the Despatch which its nature required without any obstacles having been put in the way, Mr. Barton certainly would not have found any sign of delay, because the case would have received, a long time since, the corresponding legal sanction. But, unfortunately, there have been many interested parties, and each one of them with opposite pretensions; oppositions of all kinds have crossed each other, which have done nothing more than paralyze the free march of the proceedings; incidental articles have been brought forward, which have only caused the same result; the appeals have been multiplied, and also the other recourses which the laws allow for the benefit of litigants, principally those of recusation pleas against the competency of judges, &c.; and in the midst of all this the judges have had to give fulfilment to a definite disposition of our code of procedure in civil matters, which prohibits them from promoting officially the lawsuits upon private affairs, or stimulating the parties, to carry them on. This brief but truthful narration of what has occurred in the cause to which the undersigned refers, will convince the Honourable Chargé d'Affaires of Her Britannic Majesty that the delay to which the Honourable Mr. Barton alludes in his said note, is not in any manner chargeable to the tribunals of justice of Peru, but to the interested parties themselves, and particularly to M. Henry de Wolfe Carvell, who, according to the exposition of the judges, has eluded, first with repeated articles, afterwards with subterfuges, and lastly with his evasion, the coercive measures which the judicial power has issued against him, in order to cause its resolutions to be made effective.

The undersigned in now proceeding to occupy himself with the second charge contained in said note, will call to the notice of the Honourable M. Jerningham that up to the present day no question has been made as to the authenticity of the will made in London by Mr. Michael Winder, nor, for the reasons stated, has any resolution of a definitive character been yet pronounced in the question raised as to its nullity, nor, finally, has any English court or tribunal instituted in the genuine sense of the word, any competition whatever. These reasons sufficiently justify the reserve of the undersigned from entering into the depths of the argument to which he replies, because, besides its being unfounded, as he will make manifest if necessary, it is premature, and consequently hazardous.

As regards the prompt decision of the matter, for which the Honourable Mr. Barton urges, the undersigned has the honour to acquaint the Honourable Mr. Jerningham that, under this date, he addresses the Illustrious Superior Court of the department, to the end that this tribunal may again recommend to the judges who have cognizance of the cause its prompt despatch, which, notwithstanding the greatest endeavours, will be tardy should the causes which have been mentioned in the first part of this note still subsist.

The undersigned thus replies to the above-cited note of the 8th of November last, which, very much to his regret, has been delayed until to-day, from the necessity he has had of asking for detailed reports upon the subject, and avails himself of this occasion to renew to the Honourable Chargé d'Affaires and Consul General of Her Britannic Majesty the assurances of his distinguished consideration.

(signed) *José G. Paz Soldan.*

The Chargé d'Affaires
and Consul General of Her Britannic Majesty.

— No. 37. —

(No. 33.)

The Right Hon. Earl Russell to Mr. Jerningham.

Sir,

Foreign Office, 8 September 1863.

I ENCLOSE for your information and guidance a copy of my letter to Messrs. Dawes, communicating to them the only steps which Her Majesty's Government can authorise you to take on behalf of Captain Carvell, and stating the reasons which prevent them from interfering further in his favour.

I am, &c.

(signed) *Russell.*

7 September.

— No. 38 —

Gentlemen,

Foreign Office, 7 September 1863.

LORD RUSSELL has carefully considered and has consulted the law officers of the Crown upon your letter of the 24th of July, enclosing a copy of an opinion on Captain Carvell's case, as submitted by you to Counsel, and he now desires me to write to you as follows :

It is indispensable, as a general rule, before any question of civil right with respect to property, not arising out of any public engagements, can be withdrawn from the cognizance of the ordinary civil tribunals of a foreign country, in order to be made the subject of a demand for redress from the Government of that country, that sufficient proof should be given, either that the Foreign Government itself has by its own direct action interfered with the ordinary course of justice in the case, or that the party aggrieved has used the proper means of establishing or defending his rights in the ordinary course of law as administered in that country, and has failed not in consequence of any error or default of his own, but through some gross defect or miscarriage of justice on the part of the foreign tribunals.

In the present case the claims of Captain Carvell wholly depend upon his title to be constituted or recognised in Peru, as regards moveable property situate in that country, as the legal personal representative of the late Mr. Michael Winder, under the testamentary instruments executed in this country by that gentleman.

But Captain Carvell has not shown to the satisfaction of Her Majesty's Government, either that he has failed to obtain possession of the property of the testator in Peru, in consequence of any interference of the Peruvian Government with the due administration of justice in the case, or that he has himself taken, or even has been willing to take, all proper and necessary steps for establishing and defending his title thereto in the Peruvian courts, the jurisdiction of which over the subject-matter in dispute he has always erroneously refused to recognise.

In fact the whole case appears to Her Majesty's Government to turn upon the fourth question submitted by you to counsel, but upon which they have abstained from giving any satisfactory opinion, namely, whether Captain Carvell was justified in "objecting to the jurisdiction of the Peruvian law courts so far as related to the determination of the validity of the will, and to the administration of the personal estate of the deceased."

Those counsel do indeed express an opinion that, under the circumstances, as represented to them, Captain Carvell was justified in treating the Peruvian court (not as one which had no jurisdiction in the case, but) as one by which "justice could not be expected to be administered," and that he is now entitled to call upon Her Majesty's Government to interfere diplomatically in his favour. But it cannot be supposed that all British subjects may generally decline the jurisdiction of the Peruvian courts, and demand the interposition of their Government in all questions of personal property in Peru, on the ground that those courts "cannot be expected to administer justice;" and, although there are undoubtedly circumstances in the history of this case, which are far from creditable to the administration of justice in Peru, those circumstances are not, in the opinion of Her Majesty's Government, of such a nature or so directly connected with the proceedings raising the question of the validity of the will, or the title to the testator's Peruvian property, as to furnish any justification for the erroneous course which Captain Carvell has throughout taken in consequence of his unfortunate misconception of the effect of an English probate in a foreign country.

Under these circumstances, I am to inform you, that the interference of Her Majesty's Government in this case must continue to be limited to instructing Her Majesty's representative at Lima, to use his good offices, on behalf of Captain Carvell or his agent, in such a manner as he may consider prudent and discreet with the view of hastening the proceedings of the tribunal and procuring justice to be done in the suit now pending before them.

To Messrs. Dawes.

CAPTAIN WOLFE DE CARVEL.

COPY of CORRESPONDENCE between the British
Officials in *Peru* and the Foreign Office, and of
either of them, with the Peruvian Authorities,
respecting Captain *Wolfe de Carvel*.

(*Captain Jervis.*)

Ordered, by The House of Commons, to be Printed,
20 *June* 1864.

[*Price* 11 *d.*]

413.

Under 12 oz.

CAPTAIN MELVILLE WHITE.

RETURN to an Address of the Honourable The House of Commons,
dated 23 May 1864;—for,

A “ COPY of the AWARD made by the Senate of *Hamburg*, in the Case of
Captain *Melville White*.”

(*Colonel French.*)

Ordered, by The House of Commons, to be *Printed*,
13 *July* 1864.

CONTENTS.

	PAGE.
I.—Case on behalf of Her Majesty's Government - - - - -	- 3
II.—Case submitted by the Peruvian Government - - - - -	- 35
III.—Statement on behalf of the Claimant - - - - -	- 41
IV.—Award of the Senate of Hamburg (Translation from the German) -	- 98

COPY of the AWARD made by the Senate of *Hamburgh*, in the Case of
Captain *Melville White*.

— I. —

ILL-TREATMENT OF CAPTAIN WHITE BY THE PERUVIAN AUTHORITIES.

CASE on behalf of HER MAJESTY'S GOVERNMENT.

It having been agreed between the Government of Her Britannic Majesty and the Government of the Republic of Peru, that certain claims of Her Britannic Majesty against the Government of Peru, for compensation to Captain Thomas Melville White, a British subject, for injuries suffered by him, should be referred to the arbitration of the Senate of Hamburgh; and the Senate of Hamburgh having deigned to accept the task of arbitrating on these claims, the following statement of the case is submitted, on behalf of Her Britannic Majesty, for the consideration of the Senate:—

On the 23d March 1861, Captain Thomas Melville White, a British subject of intelligence, education, and fair position in society, and (in the belief of Her Britannic Majesty's Government) a gentleman of probity and good conduct, while proceeding as a passenger from Valparaiso to Guayaquil, in the north of Peru, on board the steamer "Bolivia," was arrested by the Peruvian authorities at Callao, immediately upon the steamer touching at that port. Without receiving notice of any complaint, charge, or accusation against him, he was at once conveyed to the prison of the Inquisition at Lima, in which he was detained until the 27th of August following.

This arrest appears, by certain official reports dated the 1st and 8th of May 1861 (which were communicated on the 16th of May 1861, by the Peruvian Government to the Chargé d'Affaires of Her Britannic Majesty at Lima, and which are printed in the Appendix), to have taken place under the direct orders of the Supreme Government of Peru. The "Bolivia" had touched at the port of Arica on her way from Valparaiso to Callao, and, according to the reports of the Constitutional Prefect of the province of Callao (Don Nicolas Freyre), "a supreme order for Captain White's arrest was communicated by the Ministry of Government to that Prefecture," on the day (23d March) on which it took place, "in virtue of a note addressed by the captain of the port of Arica to the Commandantcy General of Marine." Further particulars are stated in the report of the Captain of the port of Callao, dated the 8th of May 1861, in the following terms:—"By the steamer 'Bolivia,' which anchored in this port on the 23d of March last, came as passenger Ensign Don Antonio Valdivieso, from the port of Arica, who communicated to the first lieutenant of the navy, first adjutant of this office, and who received the said steamer, that he came commissioned by the captain of the port of Arica, Don Pedro Carrero, to advise that the English subject (Mr. Melville White), whom he pointed out, had come on board, a suspicious person for the Supreme Government; in consequence of which Lieutenant Iladoy, with a knowledge of the advice and of the special instructions regarding certain passengers communicated to the Prefecture, came immediately on shore, and as soon as Mr. White arrived at the Mole, he intimated to him the order of arrest, which he obeyed without resistance."

By the treaty of the 10th April 1850, between Great Britain and the Republic of Peru, it is provided (Article VII.), that "the subjects and citizens of either of the contracting parties in the territories of the other shall enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice for the prosecution and defence of their just rights,

Appendix, Nos. 10,
11, 12, 13, pages
25, 26.

and they shall be at liberty to employ, in all causes, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native subjects or citizens." The same treaty contains other and further stipulations to the like effect.

By the fundamental law of Peru, contained in the constitution of the year 1856 (Title IV. Article 18), it is provided that "no one can be arrested without a written order from a competent judge, or from the authorities charged with the prosecution of public order, unless taken *in flagrante delicto*; and in every case the person arrested should be brought within 24 hours and placed at the disposition of the proper court. The executors of the said order are bound to give a copy of it whenever it is asked for."

By the 19th Article of the same title of the constitution, it is declared, that "prisons are places of security and not of punishment;" and "all severity that may not be necessary for the custody of prisoners is prohibited."

If the arrest of Captain Melville White did, in fact, take place under any "written order from a competent judge, or from the authorities charged with the prosecution of public order," such written order was never produced or exhibited to Captain White; and although he repeatedly (as will be seen in the sequel) demanded from the persons, professing to act in execution thereof, a copy of such order, in virtue of the right given to him by the 18th Article of the Constitution, such demand was never complied with; nor has any such order or any copy thereof been communicated to the Government or to the diplomatic agents in Peru of Her Britannic Majesty, down to the present time.

Captain White was also (notwithstanding repeated demands for such information, both from himself and from Her Britannic Majesty's Chargé d'Affaires at Lima) left without any formal intimation of the charge upon which he was detained by the Peruvian authorities. It was not, indeed, until after he had been for some time in prison, and had been at least once privately interrogated by the Judge of Crime, Don Luis Ponce, that he discovered (which he did accidentally from the perusal of an article in a public newspaper lent to him by one of his fellow prisoners) the nature of that charge.

Don Ramon Castilla, the President of the Peruvian Republic, had been fired at and wounded at Lima, in the previous year, 1860, on the evening of the 25th July, by an unknown hand. The accusation against Captain White, as it appears on the face of the sentence of the Court of First Instance (hereafter stated), was that he was "the author of this crime of assassination." No other charge whatever was made against him.

Not only was this most serious imputation proved in the sequel of the process to be wholly groundless, but no evidence or information whatever of any matter of fact, real or alleged, tending to show that there was the slightest apparent ground for it, or any probable foundation for suspicion or inquiry upon the subject, has ever been brought forward by the Peruvian Government. In order that this may be clearly understood, it will be convenient to postpone all particular reference to the treatment of Captain White while in prison, and to the manner in which the process against him was conducted, until the circumstances bearing upon the history and merits of the accusation itself have been stated.

On the day of the arrest, Señor Don Miguel Baquero, the Sub-prefect and Intendant of Police of the province, received through the Prefecture a "supreme order to transfer Captain White to the prison," placing him at the disposal of the Judge of Crime, Don Luis Ponce. On the 25th of March that judge (according to his own report, dated the 29th April, to the Peruvian Minister of Foreign Affairs), received through the Intendant of Police a note, by which he was charged with the trial of Captain White, "he being accused by the authorities of the port of Arica, in a formal manner, as the individual who fired a ball at his Excellency the President of the Republic, Grand Marshal Don Ramon Castilla, on the evening of the 25th of July 1860. In fulfilment of my duty" (the judge continues), "I proceeded to the prison to commence the 'summary' against the accused. The interrogatory did not pass the limit contained in the said note, nor of the merits shown in the process carried on to discover the author of such a horrible and scandalous crime." At the conclusion of this judicial visit, an order was made by the same judge (or by the court of which he was a member) for the solitary confinement of Captain White, "without communication," during a period, as to the duration of which the statements of
Captain

Captain White and of the judge are much at variance. But before this order could be put in force, Captain White (who had drawn up in Spanish, with the assistance of a fellow prisoner who understood the language better than himself, a protest against his imprisonment, which he delivered to Judge Ponce, on the occasion of his visit), found the means of sending for publication to a Lima newspaper called "El Comercio" (which published it on the next day), either a copy of that protest, or the substance of it, in the shape of a letter addressed to Mr. Jerningham, the British Chargé d'Affaires in Peru. In this manner the fact of his arrest was first brought to Mr. Jerningham's knowledge. On the following day (the 27th March) Mr. Jerningham wrote to Don José Fabio Melgar, the Minister for Foreign Affairs, inquiring both into the fact and into the cause of Captain White's arrest and imprisonment, and remonstrating against the omission to send official information of it to Her Britannic Majesty's Legation, according to a regulation made by one of Señor Melgar's predecessors. No. 1, page 18.

In his reply to this communication Señor Melgar, on the 28th of March, professed ignorance of the fact of Captain White's imprisonment, excepting by private information; and added that, "in order to reply to Mr. Jerningham with official data," he had that day called for reports, and would give the information desired upon receiving them. On the 29th of March, having received a short report from Judge Ponce, he communicated it to Mr. Jerningham. The ground of arrest alleged in that document (as reported by Mr. Jerningham to Her Majesty's Government) was, "that news had been received from the Captain of the port of Arica, that from information received from the Commander of the Excise, the former knew, '*de un modo formal*,' that Mr. White was the person who attempted to assassinate General Castilla." No. 2, page 18. No. 4, page 19.

Notwithstanding this mention of a "formal" accusation in Judge Ponce's report, no document bearing that character, or which can be supposed to be referred to under that description, was ever brought forward in the process consequent upon the arrest, or communicated to Captain White, except a paper bearing the signature of Don Manuel Romero, the person called "Commander of the Excise" by Mr. Jerningham, but whose more correct description appears to be "Commandant of the Customs Guard House of Arica." As the captain of the port acted upon the information which he received from this person (who was described by name as the accuser in a later report, made by Judge Ponce on the 7th September 1861), that paper acquires an importance, which might not otherwise belong to it. It forms part of the documents constituting the record of the proceedings in the case; and, if any exception should be taken to the representation of its contents made by Captain White (to whom it was read over by Judge Ponce on the 19th, and again on the 22d of August 1861, and who immediately afterwards addressed to Mr. Barton, then acting as Her Majesty's Chargé d'Affaires at Lima, the letters from which the following passages are extracted), it will be easy for the Peruvian Government to bring forward the true text of the document itself. "I protested" (says Captain White, giving an account to Mr. Barton, on the 20th of August, of what had happened on the 19th), "I protested against being compelled to answer questions, or hear any documents read, until I had been informed of the pretext on which I had been so long severely tortured, and until provided with the documents demanded in my escrito of July 20th. Finding me unshaken in the assertion of this undoubted right, Judge Ponce at length ordered the interpreter to read to me the writing signed 'David Douglas,' in which he says 'he thought me unfavourable to the existing Government of Peru, as he had heard me disapprove of its conduct, and speak feelingly of General Echenique at some house in Bolivia, where he happened to be when I visited it during my late travels in that country;' and another writing, signed by the Government agent, Romero, in which that individual, founding his charge on the statement of Douglas, proclaims me the assassin of General Castilla." No. 19, page 29. No. 16, page 27.

Writing again on the 23d of August 1861, and speaking of what had passed on the 22d, he says: "On the declaration of the person Romero being again read to me, I find that man to state, that he had no knowledge of me up to the 19th of March last (the day on which the steamer 'Bolivia,' on board of which I was at the time a passenger, *en route* from Valparaiso to Guayaquil, touched at Arica, where he is in constant receipt of moneys from the Peruvian Government and their agents); that, on that date, he was shown a private letter of General Castilla's, addressed to (I think he says) the Scotchman, Douglas; and that the

strong desire expressed by General Castilla, in that letter, to get possession of my person, was the principal motive (if not the only one) for denouncing me as the would-be assassin of Grand Marshal Don Ramon Castilla, President of Peru."

If this statement is accurate (and Her Majesty's Government think themselves warranted in believing it, unless it should appear on production of complete and authentic copies of the papers in process that no such matter was contained in any such paper signed by Romero), the conclusion seems unavoidable, that the original responsibility of the accusation itself, as well as that of adopting and acting upon it without any particle of evidence in its support, rests directly with the supreme Government of Peru.

Be this as it may, when Captain White's case was at last brought to trial after an imprisonment of eight months, on the 30th of November 1861, no evidence whatever was offered which had the remotest tendency to support the charge; that of Douglas, on which Judge Ponce had professed to rely, being merely, that, on the witness meeting Captain White in April or May of the preceding year, in the house of one Don Pedro Caso at Corocoro, in Bolivia, Captain White "manifested to him his desire that his Excellency General Castilla should fall from command, and that the Ex-General Echenique should rise to it," and further, that Caso (whom he described "as a great friend of his") communicated to him, at a date not specified, "that a meeting had taken place in his house, sustained with spirits, in which had been toasted the fall from the presidential chair of his Excellency General Castilla, and the elevation to the command of Echenique; indicating at the same time that White was about to do an astonishing thing in Peru; which Caso added, in consequence of Douglas having said that White appeared to be a bad man." The rest of the evidence (the whole consisting of written depositions) produced by the Peruvian Government, appears (by the recital of its purport in the sentence of the Court of First Instance) to have been directed solely to the proof of such facts as the following:—(1). That Captain White was "a man of no known occupation," and "very poor." (2). "That he made frequent voyages between Lima and Bolivia." And (3). That he "was in contact with Echenique and Linares, of whom Douglas saw bills in his favour;" the result of all which was, in the judgment of the Court, to "make it necessary to suppose, as very probable," that Captain White "was an agent" of these two political leaders "in their pretensions to displace from command his Excellency General Castilla; such being the conception formed of him by his countrymen; this opinion being fortified by the circumstance of White having shown himself very pensive when Linares issued the decree of interdiction, it being then that he extended his voyages to the Republic of Chili, where Echenique had transferred himself, they having come to Callao in the same steamer in March last."

On the other hand, (although, in the entire absence of all criminatory evidence, it was unnecessary for the person accused to produce any witnesses), Captain White proved by unexceptionable testimony that he was in the City of Tacua, many hundred miles from Lima, from the 21st to the 28th of July 1860; the crime of which he was accused having been perpetrated at Lima upon the 25th of that month.

In this state of evidence the sentence of the Court necessarily "absolved" Captain White "from the cause, as regards complicity in the crime imputed to him, and in general of co-operating to upset public order." Such, however, is the mode in which justice is administered in Peru, when the Government is the prosecutor, that this Tribunal of First Instance, while acquitting the accused of the only offence laid to his charge, (and also of another offence with which he had not been charged), nevertheless proceeded to adjudge, (on the ground that "every State has the right to expel from its territory vagrant foreigners, and much more so when they are suspected of being implicated in grave crimes,") that Captain White "should be expelled the territory of the Republic, never to return to it."

Upon an appeal to the Superior Court this sentence was revoked by a majority of three out of five judges; and the Superior Court "absolved" Captain White "definitely," and "blamed the judge for not having pronounced sentence within the time provided by the law."

It now becomes necessary to give a detailed account of the treatment of Captain White during his imprisonment, of the manner in which the process

was

was conducted, and of the representations and remonstrances made from time to time on his behalf by Her Majesty's Government and by the diplomatic agents in Peru, of Great Britain.

It has already been stated, that Captain White, after being interrogated in prison by Judge Ponce on the second day after his arrest, (the 25th of March), was separately confined, or placed "incommunicado" by the order of the judge. Mr. Jerningham, having ascertained this by means of a messenger whom he had sent to the prison, addressed a note to the Minister Melgar on the 28th of March, remonstrating in strong terms against this proceeding, the effect of which was, that, while no information of the cause of the arrest had yet been given to Mr. Jerningham himself, (who was the only person capable of protecting the prisoner), he was "placed in a cell, not allowed communication with any one, not even that of a counsel or any friend;" and concluding thus:—

"The undersigned, in all due respect to the Peruvian Government, begs to inform them, that as long as he is Her Majesty's representative in Peru, such acts as the foregoing, without satisfactory reasons being adduced, he cannot and will not allow to take place without entering a most solemn protest against them; and he begs and requests, for the information of Her Britannic Majesty's Government, and for the satisfaction of British residents in Peru and his own, the most complete and entire details respecting the imprisonment of Captain Melville White, as well as an immediate access to him for his legal advisers, and those friends to communicate with him, whom he may wish to see. In a letter published 27th of March, in the "Comercio" newspaper by Captain White, he appeals to the undersigned to obtain for him an immediate trial, which request the undersigned trusts will be forthwith granted."

With respect to the demand of an immediate or very early trial thus made, and frequently afterwards repeated, it will have been seen, that the delay which actually took place was expressly censured, as a violation of Peruvian law, by the sentence of the Superior Court on the final decision of the cause.

Señor Melgar, on the 29th of March 1861, replied to Mr. Jerningham, by stating (in effect) that the proceedings taken were in accordance with the laws of Peru, and that Mr. Jerningham, as the British Chargé d'Affaires, was not officially entitled to receive any information of them. At the same time he communicated to Mr. Jerningham a report, (alleging the cause of the arrest in terms which have been already noticed), which he had then received from Judge Ponce.

On the 13th of April, Captain White addressed a letter to Mr. Jerningham, containing the following statement, which on the following 17th of April was communicated by Mr. Jerningham to Señor Melgar.

"I have the honour to call your attention to the under-mentioned facts, and to solicit most respectfully your prompt interference on my behalf. I was arrested on the 23d ultimo at Callao, when *en route* from Valparaíso to the north; as my foot touched the quay I was forcibly seized and roughly used, and threatened at the bayonet's point, and publicly hurried to the black hole. In the evening I was brought to Lima and thrown into the prison of the Inquisition, and placed in a foul and loathsome dungeon among condemned and manacled felons. Subsequently, I was kept for several days in complete solitary confinement, and could neither send for nor receive any intelligence nor communicate to you as my Minister, nor with any human being within or without the walls of my prison. I was not permitted to purchase the most ordinary articles of wholesome nutrition, but was compelled to subsist on boiled rice. When requiring to attend to the more urgent calls of nature I have been marshalled to and from the place set apart for that purpose, and shamefully treated whilst there, by a guard of five or six soldiers who seemed to delight in my tortures. I was subjected to a secret and most inquisitorial interrogation, during which intimidation was much and unscrupulously used, while I was energetically protesting against being thus kidnapped and treated by Peruvian officials."

"I, a subject of Her most gracious Britannic Majesty, have been subjected to other gross indignities and cruelties, too numerous to mention here, but which are shown in my prison diary in detail. Twenty-one days have now elapsed since I was ruthlessly torn from civilised society, and without any document having been given or shown to me, or charge made against me, or information why I was thus treated, any remonstrance on my part being only met by threats;

and such was the savage conduct of the soldiers, who seemed only to await the slightest order to despatch me, that at length (although I hope not deficient in courage) I was really alarmed for my life, which I was made to feel was in imminent danger; nor have I, up to the present time, been informed by any official on what charge or why I am thus a prisoner and treated in so cruel a manner. I have been interrogated and questioned several times by Government officials, among them by one, who, in a moment of angry excitement, informed me he was the arbiter of my future fate, and that he was a judge named Ponce. When I complained to my interrogators of the strange and unheard of treatment I was undergoing, one of those who composed this secret conclave replied, that the Government would keep me prisoner as long as it suited their purpose, and that I was not entitled to any explanation until the Government had succeeded or failed in making out a case against me. At length, through the compassion of a fellow prisoner, I got a glance at a newspaper, and there found an article wherein it was stated that an Englishman's footstep had been dogged from Arica to Callao, and that he it was who had some months ago attempted to assassinate by shooting General Castilla, and that I am the person; this being the mode in which I for the first time got a glimpse of the nature of the charge likely to be brought against me."

No. 5, page 20.

With the extract from Captain White's letter containing these statements, Mr. Jerningham, on the 17th April 1861, sent a note to Señor Melgar, requesting that they might receive the serious consideration of the Peruvian Government; remonstrating against the treatment to which Captain White had been exposed; and asking for information (among other points) on the two following, viz., whether any written order was issued and exhibited to Mr. White at the time when he was arrested; and "whether the accusation against Mr. White was made by the accusers upon their oath, or adduced as mere hearsay or report?"

Mr. Jerningham added, —

"Captain White has now formally appealed to the undersigned for that protection to which, as a British subject, he is entitled, and he has asked the undersigned to furnish him with positive information as to the crime of which he is accused, which the undersigned must now request of the Peruvian Government to produce; for the meagre and short account forwarded to the undersigned from Judge Ponce by His Excellency in his estimable note of 29th March, cannot be regarded as such. Mr. White also challenges immediate trial, in conformity with equity and justice, and an opportunity fully and openly to refute the criminal imputations which the public journals inform him are laid to his charge. He asks to meet face to face those who endeavour to make his reputation and life answer the purpose of some unholy service. He likewise asks for a complete public prosecution, and loudly protests and claims protection against the inquisitorial system to which he is subjected. He also claims the indemnity and damages from the Peruvian Government, which latter he may consider to be commensurate and just for the violation of his personal liberty and rights as a British subject, for the defamation of his character and reputation as a gentleman, for the charge which has been brought against him, and for the indignities and cruelties which he has suffered. These are Mr. White's requests, which the undersigned now has honour to submit to the Peruvian Government. Without wishing to prejudge the question, or to interfere unduly in the administration of justice in Peru, the undersigned here claims, as he undoubtedly has a right to do, an immediate and prompt and fair trial for Mr. White, in conformity with equity and justice, and that also a full opportunity be given him publicly to refute the charges brought against him, and all that he demands which is founded upon the general laws of reason and justice."

The Peruvian Government had thus very early notice that a demand for indemnity and damages would result from the wrong done by them to Captain White; and that the British Government would expect a strict compliance with their own laws as to promptitude of trial, as to the production of the written authority for the arrest, and as to the treatment of accused persons before trial, and also with the universal rules and principles of justice as to the mode of conducting the proceedings.

No. 6, page 22.

On the 13th of May 1861, Mr. Jerningham again wrote to Señor Melgar, requesting to be informed "whether the trial of Mr. Melville White, British subject,

subject, who has now been in prison for more than six weeks under the accusation of having attempted to assassinate Grand Marshal Castilla, is being conducted with that promptitude and expedition which the laws of civilised countries require and expect"? and adding, "much more than ample time has already expired for proving Mr. Melville White guilty or not of the crime of which he is accused; and the undersigned, who reserves to himself the right hereafter of discussing the circumstances respecting the arrest and treatment of Mr. Melville White in prison, must urge the Peruvian Government to stimulate the judicial authorities to conclude, as soon as possible, the case of the above-mentioned British subject."

On the 16th of May 1861, Señor Melgar replied to Mr. Jerningham's letters of the 17th April and the 13th May, by transmitting the official reports of Judge Ponce (dated the 29th April), and of the Prefect, Intendant of Police, and Captain of the port of Callao (dated respectively the 1st and 8th of May), which are printed in the Appendix; together with a note, in which he professed to regard the statements and explanations contained in those reports as sufficient answers to the allegations of Captain White as to his treatment in prison, and to the complaint that the trial was improperly delayed. Don Melgar concluded by saying, that Mr. Jerningham's note of the 17th April had been transmitted to the respective tribunals, "so that his desires may be satisfied, in so far as the laws of the country permit."

No. 8 page 23.

Nos. 9, 10, 11, 12,
13, pages 24 to 26.

With respect to the treatment of Captain White in prison, none of these documents purport to state any facts, except the report of Judge Ponce; who made no attempt to meet the detailed and circumstantial narrative of Captain White, otherwise than by the following argumentative and evasive reply:—

"It is surprising," he said, "the assurance of the accused Melville White, when he supposes that during the interrogatories he was treated with a menacing tone and asperity. You, sir, know well that the mission of the judge is to investigate the crime in a decorous and circumspect manner, which his mission imposes upon him; that it is prohibited to use terror, to infuse fear in the accused, that he should only spontaneously reply to the questions put to him.

"The first interrogatory being concluded, the Court required, and according to the law ordered, whilst some other proceedings were taken, that the accused White should be without communication. That incommunication lasted two days; and for that object was selected a locality which is in the yard of the prison, near to the iron gate which communicates with the door to the street, very ventilated, and which formerly served as the habitation of the governor of the prison; and I will say, that it is infinitely better than that allotted to the political prisoners existing in the prison.

It is necessary, sir, that Melville White must, in an excess of passion on account of his detention, have stated the acts which are read in his complaint to the Chargé d'Affaires and Consul General of Her Britannic Majesty; for it is highly *unverisimil*, that he should be tormented and menaced in the prison, much more that the undersigned had said to him, that he was the arbiter of his future fate. He says he has complained to the Court of the bad treatment which he supposes conferred upon him, and that he is told that the Government will keep him in prison as long as they choose, and even that his rights are denied, when demanded. A statement of this nature is astonishing. White's representations are admitted; they are substantiated in the regular way, and the decisions upon them are made known to him. If he complains of incommunication, this appears to be refuted by himself; for White, during the two days that he was incommunicated, made publications in the official newspaper, and because he was provided with a newspaper by a prisoner, which revealed the cause of his imprisonment; so that you, sir, will see that he disobeyed the measures ordered by the Court, and caused the intercommunication to be illusory during those two days. These assertions prove, in an undoubtful manner, the predisposition of White to make inadequate and supposed imputations against the proceedings observed towards him.

"As regards the aliment provided to Melville White in the prison, it is an observed precept of the alcalde to administer it to the prisoners at the proper hours. The quality is examined by the visitant judge weekly on Saturdays, by the judges in turn daily, and by other employés of the judicial power. Care is scrupulously taken that they are healthy, nutritious, and of good quality. Moreover, the undersigned, always disposed to distinguish the accused White, spoke with

the intendant of police to allow him the pecuniary quota, which the political prisoners received daily; and a subaltern having taken to him the amount for a day's aliment, he declined to receive it, saying to the officer that 'the time would come to receive it all at once.'"

This statement of the judge that Captain White was offered and declined to accept a pecuniary allowance (of a dollar per diem), made by the Peruvian Government to the political prisoners confined in the prison, in order to enable them to provide themselves with some additions to the common gaol diet, is undoubtedly correct. But this is perfectly consistent with his having suffered all the indignities of which he complained. And the judge, in this report, offered no answer whatever to the statements of Captain White as to the manner in which he had been interrogated, without receiving any notice or information of the crime of which he was accused; nor did the judge or Señor Melgar ever reply to Mr. Jerningham's inquiries, whether the order for the arrest had been ever produced to the prisoner, and whether the accusation was made on oath, or on mere hearsay and report. When speaking of the "Court," Judge Ponce means himself and those of his colleagues, who, on several occasions attended *ex officio* at the prison, and there, without the presence of counsel, attorney, witness, interpreter, or friend on the part of Captain White, put questions to him, and took down what they treated as being his answers, in a manner much better suited to the practice of that "Inquisition" to which the prison had formerly belonged, than to the administration of justice in any civilised country.

With respect to the delay of trial, this report of Judge Ponce (made, it will be remembered, exactly seven months before the actual trial took place), offered the following explanation:

"If, in the cause carried on against Thomas Melville White, any delay is noted, the motive is, because the data proceeded from the Port of Arica to this capital. It has been necessary to send a despatch to the judges of the department of Tacua, which circumstances cause delay in executing the resulting proceeding, notwithstanding the respective notes are renewed by the various steamers; and under date of 25th instant, I received a note from the Judge of First Instance of Arica, advising that, having concluded his proceedings, he had remitted the despatch to the city of Tacua, in order to absolve various declarations conducive to the trial. Finally, there is pending in this court the absolving of the important citation which White makes of the Chargé d'Affaires and Consul General of Her Britannic Majesty, to which end I passed the respective note to you on the 31st of March last, which was replied to by you, sir, on the 3d instant."

It appears from hence, that while Captain White was in prison without personal communication with any professional or other adviser, the Peruvian Government, or their judges, were endeavouring to procure evidence against him from witnesses, with whom he was never confronted, in various parts of the country; and that the judges, when they ascertained, from his answers to their own interrogatories, that he desired any particular witnesses to be examined on his own behalf, took similar means for procuring the testimony of these witnesses. The "citation" of Mr. Jerningham himself, which is represented as "pending," and made an excuse for delay, had been in this manner issued by Judge Ponce, through Señor Melgar, on the 3d of April; and Mr. Jerningham (as he reminded Señor Melgar in a subsequent note of the 18th April), had, on the same day, stated, in a personal interview with that minister, that, although it would be inconsistent with his diplomatic character to recognise or to obey any judicial citation, he would be willing to answer any inquiries bearing upon the matters at issue in Captain White's case, which might at any time be addressed to him in writing through the office of the Peruvian Ministry of Foreign Affairs.

Before these explanations were given to Mr. Jerningham at Lima, the Peruvian Government had instructed their minister in London to make a complaint to Her Britannic Majesty's Government of the tone adopted by Mr. Jerningham in his letters of the 27th and 28th March 1861; and, at the same time, to justify, by anticipation, the proceedings taken against Captain White. Accordingly, Don P. Y. de Osma, the Peruvian Minister in London, addressed to Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, on the 13th of May 1861, a Note, which will be found in the Appendix, in which he represented the intervention of Mr. Jerningham as the assumption of "an authority incompatible with

with the rights of Peru as an independent and sovereign state," adding (though the statement was at variance with the tenor of Mr. Jerningham's letters, to which it referred, and though it was also apparent that, at the date of those letters, Mr. Jerningham could not know to what extent the laws of Peru might have been violated in the case), that "Mr. Jerningham did not say, nor can he say, that White was proceeded against in an illegal manner, that is to say, contrary to the laws and practices of the republic, or to the treaties which it has with the British empire, which naturally are in perfect agreement with these laws"; and alleging, that "White was not in an incommodious prison, suffering penalties to cause horror in his country or elsewhere, but in a spacious dwelling, with all the conveniences possible and compatible with his condition, as accused of a great crime."

This note was replied to by Earl Russell on the 31st of July 1861, in the following terms:—

Earl *Russell* to the Peruvian Minister.

"M. le Ministre,

"I HAVE had the honour of receiving your note of the 13th of May last, communicating the statement of your Government respecting the arrest and imprisonment of Captain Melville White, a British subject, on a charge of being concerned in an attempt on the life of General Castilla, the President of Peru.

"Her Majesty's Government have also received despatches on this subject from Mr. Jerningham, and they have given their serious consideration to the case.

"Her Majesty's Government have learnt, with pain and surprise, that Captain White had been arrested and placed in severe solitary confinement on the 23d of March, and had apparently been so detained up to the 28th of April.

"That he was treated with great personal indignity and severity.

"That he received no written notice of the charge on which he was imprisoned.

"That he had not been confronted with any witness, nor subjected to any preliminary hearing or proceeding, nor allowed to see any legal adviser.

"And that all substantial information, as to the motives for this extraordinary severity, had been withheld from Her Majesty's Chargé d'Affaires.

"Her Majesty's Government are at a loss to comprehend how such treatment of a British subject, even if technically justified by Peruvian law, can be seriously adopted and defended by your Government, as if it were in accordance with the ordinary usages and comity of civilised nations. The Government of Peru must be aware that no Peruvian could possibly be thus treated in England.

"Far from disapproving Mr. Jerningham's conduct, Her Majesty's Government have instructed him to demand a prompt and satisfactory explanation of these unjustifiable proceedings, and to require,—

"1st. That Captain White may receive distinct legal notice of the charge against him.

"2d. That his detention, while awaiting his trial, be accompanied by no aggravating severity of treatment.

"3d. That he have access to legal advice, and that his public and legal trial be expeditiously and duly proceeded with.

"I have thought it right, in reply to your note, to place you thus in possession of the views of Her Majesty's Government respecting this very serious case; but I beg leave to add, that Her Majesty's Government consider that the further discussion of this case should be conducted at Lima.

"I have, &c.

(signed) "*Russell.*"

The receipt of the above note was acknowledged by the Peruvian Minister on the 20th of August, expressing at the same time his regret that Her Majesty's Government entertained an opinion that Captain White had been treated with such harshness; and adding, that his Government would, without doubt, feel itself bound to satisfy Her Majesty's Government, that there had been no

No. 15, page 27.

illegality in the proceedings towards Captain White, nor any harshness nor indignities which would not at once be supported by the laws of the country.

While this correspondence was proceeding in England, the imprisonment of Captain White continued, without any material change in its circumstances or character, and the process preparatory to the trial was still conducted in the same manner as before, at Lima. From time to time Judge Ponce, accompanied by other judges of his court, attended in the chapel of the prison to continue the series of interrogatories addressed to Captain White; and until the 19th of August 1861 this was done without the presence of an interpreter. By the judicial code of Peru (3d section, 7th title, Articles 271 and 272), provision is made for the appointment of interpreters by the courts, "if it be necessary to examine any of the litigants or witnesses who may be ignorant of the Spanish language"; and it is further provided, that "the omission," in such cases, "to appoint interpreters quashes the prosecution." Captain White was not wholly ignorant of the Spanish language; but he was far from being sufficiently master of it to make it safe for him to rely on his own unassisted knowledge of the meaning, either of legal and technical terms, employed in the questions put, or documents read to him, or of those used by the interrogators, when translating into Spanish, and reducing into the form of written statements to be signed by himself, the sense of the answers which he gave in English. He therefore required that an interpreter should be provided by the court; and he stated that he had made this demand from the very earliest period at which he became subject to this system of judicial interrogation. That statement appears to have been disputed by Judge Ponce; it is certain, however, that on several days, in August 1861, attempts were made to read over to Captain White the documents in process, and to continue his examination thereon, without an interpreter, which he (for that reason) resisted; and that, at last, on the 19th and 22d August the interrogators came to the prison to complete their task, accompanied by an English interpreter named Conroy. It appears, also, that Captain White having presented to Judge Ponce, personally, in the chapel of the prison, on the 20th July 1861, an "escrito," or petition, in the English language, containing certain demands (a copy of which he sent on the same day to Mr. Jerningham), this was rejected by the court, and returned to him, by three judges who came to the prison on the 8th of August, on the ground (apparently) that it ought to have been in Spanish. In this "escrito" Captain White thus expressed himself:—

"Having made repeated applications for a copy of the charge on which I have been arrested and subjected to unheard of brutality by the officials of the Peruvian Government, and also for a copy of the written authority on which such arrest was made, and not having been furnished with either up to this date, although arrested on the 23d of last March, I hereby again formally demand true copies of the above-named documents; and also hereby reiterate my oft-repeated protests against the illegality of the course pursued towards me, against the vile inquisitorial secret ordeal to which I have been subjected, as well as against the continued barbarous oppression, tyranny, and wrong, to which I, a faithful subject of Her Britannic Majesty, am still being subjected by the Peruvian Government."

It may be admitted, that the tone of this "escrito," and generally of Captain White's complaints on the subject of the treatment which he received, is the reverse of calm and dispassionate. But want of calmness and moderation in the tone of his protests and remonstrances can scarcely be held inexcusable in a gentleman accused of an infamous crime without the smallest foundation, and causelessly imprisoned and subjected to gross indignities, for a great length of time, and with an entire neglect both of the rules of the local law, and of the general principles of justice.

The examinations in the prison appear to have been brought to a conclusion on the 19th and 22d August; on which days, in the presence of Mr. Conroy, the interpreter, the whole documents in the "sumario," or process, including the depositions taken, were finally read over by the judge to Captain White; this being the only mode in which he received notice of the evidence which it was proposed to use against him. The information possessed by Her Majesty's Government, as to what passed on these occasions, is necessarily derived from Captain White's own letters to Mr. Barton; some extracts from which have been already given.

At the proceeding of the 22d August, Captain White tendered to the judges,
and

and desired to leave with them, three documents, two of which were replies to the declarations of the witnesses named Romero and Douglas, while the third was a written protest against the conduct of Judge Ponce from the commencement of the process down to that time. The language of this protest was excited and violent, and it might perhaps justly be considered too disrespectful towards the Peruvian Government to be placed on the files of one of their courts. It brought, however, distinctly to the judges' attention the several allegations of Captain White as to matters of fact in which Judge Ponce was himself concerned; among other things, it contained direct statements that, up to that date, no lawyer or other person whatever had been presented by the judges to Captain White to attend to his defence; that copies of the written order for his arrest and indictment, although constantly demanded in writing and verbally, had been up to that date withheld; and that, on the 19th of August, in the chapel of the Inquisition, Judge Ponce, in order to prevent any protest being put in, violently declared that Captain White, if he protested against him, "must protest against every judge in Peru"; adding (in Captain White's words), "that, although I was constantly protesting my innocence, I would find some difficulty in establishing it, and that he would treat me as guilty till I had done so."

The judge did not content himself, on this occasion, with refusing to receive the objectionable documents. He caused Captain White to be put in irons, an event which fortunately had the effect of mitigating, through Mr. Barton's interposition, the remainder of his imprisonment.

On the morning of the next day (the 23d of August), Captain White wrote to Mr. Barton, stating that, after the close of the interview in the chapel on the 22d, Judge Ponce, after having threatened him in the most violent manner, ordered him to be heavily ironed, and secured to the "Barra"; "in which state" (says Captain White) "I remained till after sunset. I was secured to the 'Barra' by means of immense iron shackles (grillos) passed over my ankles, and afterwards rove on the 'Barra.'" He then declared himself to be in alarm for his life, and demanded some guarantee for his safety.

Immediately on receiving this appeal, Mr. Barton, in company with the French Minister, M. de Lesseps, visited the prison; and those gentlemen were personally witnesses of some of the privations and indignities to which Captain White had been subject; while the emotion which he manifested (shedding tears in their presence) afforded the strongest confirmation of the sincerity of his statements, notwithstanding the tone of excitement in which they were made. On the following day, Mr. Barton addressed a note to the Peruvian Minister for Foreign Affairs, stating that he had "yesterday visited a British subject in the prison of the Inquisition, named Thomas Melville White, on account of having been informed that the said Thomas Melville White had been put in irons by the judge Señor Ponce on the previous day; and adding, "His Excellency Señor Melgar is aware that Thomas Melville White has now been in prison for the long term of upwards of four months, and although various applications have been made by her Majesty's late Chargé de Affaires requesting that his trial should be brought to as speedy a conclusion as convenient, Mr. White informs the undersigned that up to yesterday no notice had been given to him as to what he was accused of. The undersigned, therefore, respectfully requests of his Excellency Señor Melgar, that he may be informed of the present state of this trial, and if there is a probability of its being shortly concluded, as Mr. Melville White, from his lengthened imprisonment, complains of his liver being affected."

No. 17, page 28.

The immediate effect of this letter of Mr. Barton was that, on the 27th of August 1861, Captain White was removed from the prison of the Inquisition to another place of confinement (the barracks of San Francisco de Paula), much more suitable for an uncondemned person, where he was detained till the 9th of January 1862.

On the 3d of September 1861, Mr. Barton, as Her Majesty's Consul in charge of the Legation at Lima, addressed a note to the Peruvian Government, identical in its terms with that addressed by Her Majesty's Principal Secretary of State for Foreign Affairs to the Peruvian Minister in London on the 31st July 1861, and which has already been given *in extenso* in this case.

No reply from the Peruvian Government was received to this communication; but on the 23d of October 1861, his Excellency Señor Melgar forwarded to Her Majesty's Consul authentic copies of a letter of instructions which he had

Nos. 18, 19, pages
28, 29.

addressed on the 4th of September to Judge Ponce, and of a further report made to him by that judge on the 7th of September, pursuant thereto; both which documents will be found in the Appendix.

The letter of instructions of the 4th September was as follows:—

“To the Judge of First Instance,

“Dr. Don Luis Ponce.

“From reports of British functionaries resident in this capital to their Government, in consequence of the arrest and imprisonment of Captain Melville White, the said Government has conceived the idea that White was arrested and placed in severe and solitary confinement on the 2d of March last, and continued so until the 28th of April; that he was personally treated with indignity and severity; that he had not received any written notice of the charge for which he was arrested; that he has not been confronted with any of the witnesses, nor subjected to audience nor preliminary proceedings, nor has he been permitted to see any legal adviser. And, as it is necessary to clear up the truths of these assertions, I hope that you will proceed carefully and minutely to report to the Ministry upon this matter as soon as possible.”

No. 19, page 29.

In that part of his report of the 7th September 1861 which related to the subject of the treatment of Captain White in prison, Judge Ponce contented himself with repeating some of the statements made in his former report of the 29th April, and adding, “He has been treated in the prison with the indulgence and equity that should be used towards any person, although he may be accused of the greatest crime. In the prison was assigned to him the habitation that would render him better accommodation, separating him from the contact and union with the other prisoners, without this circumstance depriving him of communication with his friends and the persons who desired to visit him, as has occurred, for he received various visitors, amongst others Colonel O’Gorman”; and then (after referring to the offered pecuniary allowance of one dollar per diem, which, as already stated, Captain White had refused to accept) he proceeded, “These facts, sir, will set aside the idea of the assertions made by White regarding the severe and solitary confinement which he, with temerity, declared he has suffered; for the treatment he has received has been attentive, decent, and with all the accommodation that a prison can give.”

No. 9, page 24.

With respect to the other points noticed in Señor Melgar’s letter, and also with respect to the use of irons on the 22d of August, the judge offered this explanation:—

“As regards the complaint that White had not received a written notice of the charge for which he was arrested, it appears, in the process, to be entirely unfounded; for, in the summary, it has been cited at different times, and which with his own hand and writing he has signed; and when the documents were in a state for him to give his confession, after reading to him his instructive declaration and all the process, on observing that the most serious charges emanated from the declarations made by many of his countrymen, he exclaimed against the Court and other Peruvian authorities, in insult and sarcasm, such as have never been heard nor used in the presence of a judge by any accused person, whatever his class or condition may be. This occurrence made it the duty of the undersigned to order the accused White to be arrested in the stocks for a short time, and which did not last ten minutes; considering that, if it had been overlooked, the bad example would spread among other prisoners, and the judges would find themselves insulted and contemned in their dignity as such.

“As regards the appointment of a legal adviser, what the law directs has been done in this cause; that is to say, that a defender be named after the prisoner has given his confession.

“The judges conclude with the above statement the points referred to in your esteemed note of the 4th instant are answered.”

Three points in this reply demand particular attention.

1st. Judge Ponce does not pretend to show that any written notice of the charge was ever given to the accused, except by way of inference from the references to that charge in the “summary” of the proceedings, to which he obtained Captain White’s signatures on the several occasions when he was interrogated without the presence of an interpreter. But one of the complaints of Captain White has always been, that he was required to sign these proceedings

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in the Spanish language, without perfectly understanding them, and that it was sought thereby to commit him to various matters, contrary to his intention and meaning.

2d. Judge Ponce does not allege that Captain White was ever "confronted with any of the witnesses"; and he must therefore be taken to admit that this never was done.

3d. Judge Ponce not only does not deny the statement that Captain White had not been "permitted to see any legal adviser" (and it is to be recollected that a statement to the same effect was made in Captain White's own rejected protest of the 22d August), but he virtually avows it, stating that, by the law, "a defender" is only to be named after the prisoner has given (what the judge calls) "his confession," the time for which, he had just before said, did not arrive until the 22d of August, the day on which the protest was tendered.

With reference to this last point, it must be added, that, in a document under the seal of the Superior Court, dated the 24th July 1861, signed by Señor Ponce and two other judges, which was delivered by these judges personally to Captain White on the 29th of the same month (being the order for rejection of the "escrito" in the English language already mentioned), one, Manuel Munar, was mentioned as Captain White's "advocate of defence." Upon this subject Captain White wrote thus in a letter to Mr. Barton, dated the 17th September 1861: "None of the Peruvian Government officials had given me any previous information whatever respecting the appointment which they thus professed to have had previously made; and since that time, none of said officials have afforded me the slightest information as to whether any lawyer had been appointed to attend to the defence of my case, although I have repeatedly demanded information on the subject from Judge Ponce, and other Peruvian Government agents," adding that he had "never heard from nor seen" (to his knowledge) this Señor Munar, so represented to be his advocate.

In the same letter, Captain White informed Mr. Barton that on the day on which he then wrote (the 17th September), a person, whom he had never seen before, entered his place of confinement for the purpose of obtaining his signature to "a roll of writings," telling him, at the same time, that "a lawyer was now about to be appointed to attend to the defence" of his case; and he not unreasonably remarks, "It is somewhat unintelligible to me, that if the Peruvian Government and their agents constituted Mr. Manuel Munar my advocate of defence, wholly without my knowledge, in the month of July, they should now, in the latter part of September (nearly six months from the date of the open commencement of their tortures of me), profess to consider my signature on an almost blank folio (as the unknown individual told me to-day they did) as an indispensable preliminary to the realization of a measure which, in their writings of nearly two months back, they proclaimed as having been already accomplished."

The narrative, which has been thought necessary, of the occurrences prior to the adjudication and sentence of the 30th November 1861 is now concluded; and the tenor and effect of that sentence itself, and of the subsequent decree on appeal of the Superior Court, has been already stated. Captain White was not released from his imprisonment until after the decree of the Superior Court had been pronounced. Then, on the 9th of January 1862, he was directed to leave his prison, and to present himself to the Prefect of the city of Lima, in order to be informed of the result of the proceedings. The Superior Court had reversed that part of the sentence of the Tribunal of First Instance which adjudged that, although acquitted of the crime imputed to him, he should be expelled from the territory of Peru; but, notwithstanding that reversal, the Peruvian Government peremptorily ordered him to quit their territory, which he did in consequence of that order, on the 24th of February 1862.

It remains only to give some account of the substance of the communications which afterwards passed between the British Chargé d'Affaires at Lima, acting under the instructions of Her Britannic Majesty's Government, and the Government of Peru.

On the 16th of May 1862, Mr. Barton, Her Majesty's acting Chargé d'Affaires at Lima, addressed to Señor Ribeyro, then the Peruvian Minister for Foreign Affairs, the following note:—

"British Legation, Lima, 16 May 1862.

"The undersigned, &c., has the honour to acquaint his Excellency the Peruvian Minister for Foreign Affairs that he has received instructions from Her Majesty's Principal Secretary of State for Foreign Affairs to notify, in the most formal manner, to the Peruvian Government, that it is the intention of Her Majesty's Government to demand from the Government of Peru an adequate compensation for Mr. Thomas Melville White, a British subject, who has been detained for a length of time in prison, without due process, under circumstances at variance with the usages in force among civilized nations. Whilst thus imprisoned, he has been exposed to every kind of indignity and much cruelty; he has been for a long time refused all adequate means of defence, and has, after having suffered upwards of 10 months' imprisonment, been acquitted of the charge preferred against him.

"The undersigned has, &c.
(signed) "J. Barton."

No. 23, page 31.

To this note a long and very argumentative reply (which will be found in the Appendix), refusing compliance with the demand of Her Majesty's Government, was returned on the 15th September 1862 by the Peruvian Minister. In substance he contended that there was sufficient foundation, "data not of a light nature," for the belief that Captain White was guilty of the crime of which he had been acquitted; and represented (notwithstanding the plain terms of the judgment of the Superior Court), that he "was declared not inculpable and totally exempt from punishment, but absolved for the present, because, although there are suspicions against him, and not small ones, proofs which we call complete have been wanting to punish him." "White," he said, "has not been one of those pacific and inoffensive foreigners whom an open and legal proceeding makes worthy of the protection of the laws; he has not been one of those visitors of known industry and moral habits, to whom ample and generous hospitality is dispensed."

"Only," he added, "in case of notorious injustice palpably demonstrated, can diplomatic question be allowed; and in the present question, so far from there being anything to complain of, our judges display that tolerance and clemency that, without being in contradiction with the perfect rights emanating from the law, serve to diminish the evils which the temporary loss of liberty brings with it. White, apart from the motives against him regarding the homicide referred to, was a secret agent to prepare in the territory of the Republic political agitations, contrary to the system established by the Ministry of the Constitution, and by the national will. These charges have not been, as they ought to have been, completely and satisfactorily cleared away by him for the safety of his reputation. Let it not be said, that the means of vindicating himself have been denied; he has had them in abundance, and functionaries officially named, who, with careful solicitude, have defended and worked with diligence to save him. In our republics many foreigners mix themselves in the internal affairs, which certainly do not interest them, and when they are discovered in criminal acts to assist a party to invert the existing order of things, they appeal to their particular condition; they invoke the protection of their ministers, and do not accept the consequences of their faults, of their intervention, and of their vituperable partiality. This is the case with White."

Her Majesty's Government, considering the case to be one (in Señor Ribeyro's own words) "of notorious injustice palpably demonstrated," and considering that injustice to be rather aggravated than extenuated by Señor Ribeyro's arguments, soon afterwards instructed Mr. Jerningham to make a peremptory demand, without further discussion, of the sum of 4,500*l.* as compensation to Captain White for the ill-treatment which he had experienced in Peru. Mr. Jerningham accordingly demanded that sum, by a note dated the 8th of January 1863, and addressed to Don Jose Gregorio Paz Soldan, then the Peruvian Minister for Foreign Affairs; and further intimated, that interest would be claimed from the date of the notification of the demand, in case of delay of payment; and that he was instructed not to conceal from the Peruvian Government that the matter was viewed in a very serious light by Her Majesty's Government, who would not suffer the demand which they had thus put forward to rest unsatisfied.

No. 24, page 32.

To this note the Peruvian Minister returned, on the 17th January 1863, another long and argumentative reply, inviting further discussion of the subject, but declining to admit the principle that any compensation was due. Mr. Jerningham rejoined, that his instructions did not permit him to enter into or continue any such discussion. The Peruvian Minister then stated, in a further note, dated the 27th of January 1863, that Mr. Jerningham's communication had been submitted to the President of the Republic; and, after meditating on its contents, the President was of opinion, that if the orders of Her Majesty's Government precluded discussion, yet there was still a resource left for attaining an honourable result, in conformity with the principles of international right, by submitting the final decision of the question to the arbitration of a friendly power.

No. 25, page 33.

No. 26, page 34.

No. 27, page 34.

In conformity with this suggestion, it was agreed between the Government of Her Britannic Majesty and the Government of the Republic of Peru, that the question as to the right of Mr. Melville White to compensation from the Peruvian Government, as well as the question as to the amount of that compensation, if any should be proved due to him, should be referred to the arbitration of a friendly power; and by a note *verbale* signed at London in July 1863 by the representatives of the two Governments, it was agreed that they would address a joint invitation to the Government of the Free Hanseatic city of Hamburg, requesting the Senate to pronounce a decision on those points. The Senate of Hamburg has since been pleased to accede to this request.

No. 28, page 35.

Upon the grounds appearing in the foregoing case, it is submitted that Captain Thomas Melville White is entitled to substantial pecuniary compensation from the Peruvian Government:

1. For his arrest and long and unjust imprisonment upon a most serious, but wholly groundless and unsupported accusation.

2. For the sufferings and indignities to which he was subjected during his confinement in prison.

3. For the neglect of the rules and principles, both of Peruvian law and of universal justice, manifested in the delay of his trial, and in the course and method of the procedure, prior thereto.

And, lastly, for his expulsion from Peruvian territory as the result and sequel of these unjust proceedings,

APPENDIX.

INDEX.

No. of Document.		Page.
1	Mr. Jerningham to Señor Melgar, 27 March 1861 - - - - -	18
2	Señor Melgar to Mr. Jerningham, 28 March 1861 - - - - -	18
3	Mr. Jerningham to Señor Melgar, 28 March 1861 - - - - -	19
4	Señor Melgar to Mr. Jerningham, 29 March 1861 - - - - -	19
5	Mr. Jerningham to Señor Melgar, 17 April 1861 - - - - -	20
6	Ditto - to - ditto (further), 13 May 1861 - - - - -	22
7	Peruvian Minister in London to Earl Russell, 13 May 1861 - - - - -	22
8	Señor Melgar to Mr. Jerningham, 16 May 1861 - - - - -	23
9, 10, 11, 12, 13.	{ Enclosures in ditto :— Reports of Judge Ponce, of the Prefect of the Intendant of Police, and of the Captain of the Port of Callao, 29 April, and 1 and 8 May 1861 -	24-26
14	Mr. Jerningham to Señor Melgar, 18 May 1861 - - - - -	26
15	Peruvian Minister in London to Earl Russell, 20 August 1861 - - - - -	27
16	Letter from Mr. White to Mr. Jerningham, with copy of "Escrito," or petition to Judge Ponce, 20 July 1861 - - - - -	27
17	Mr. Barton to Señor Melgar, 24 August 1861 - - - - -	28
18	{ Instructions to Judge Ponce for further Report; and his Report thereon, 4 and 7 19 September 1861 - - - - -	28, 29
20	Sentence of the Judge of First Instance, 30 November 1861 - - - - -	29
21	Sentence of the "Corte Superior" - - - - -	30
22	Mr. Barton to Señor Ribeyro, 16 May 1862 - - - - -	31
23	Señor Ribeyro to Mr. Barton, 15 September 1862 - - - - -	31
24	Mr. Jerningham to Señor Paz Soldan, 8 January 1863 - - - - -	32
25	Señor Paz Soldan to Mr. Jerningham, 17 January 1863 - - - - -	33
26	Mr. Jerningham to Señor Paz Soldan, 26 January 1863 - - - - -	34
27	Señor Paz Soldan to Mr. Jerningham, 27 January 1863 - - - - -	34
28	"Note Verbale" - - - - -	35

No. 1.

Mr. Jerningham to Señor Melgar.

Lima, 27th March 1861.

The undersigned, &c., has the honour to address himself to his Excellency Don José Fabio Melgar, Minister for Foreign Affairs of Peru, to inquire if it is true that a British subject, named Mr. White, has been arrested and put in prison by order of Peruvian authorities; and he demands to know why and wherefore this has been done, and that Her Britannic Majesty's Legation has not been immediately informed of it, since it was expressly ordained to the Peruvian police authorities, when his Excellency Don Miguel Carpio was Minister for Foreign Affairs, to acquaint the undersigned, directly, of such arrests.

The undersigned trusts, however, that his Excellency will, upon the receipt of this note, immediately satisfy him upon this point, as the liberty and rights of one of Her Majesty's subjects are involved by this proceeding, for which, as yet, no information, except through the newspapers, has been afforded to the undersigned.

The undersigned, &c.

(signed) *Wm. Stafford Jerningham.*

No. 2.

Señor Melgar to Mr. Jerningham.

Lima, 28th March 1861.

The undersigned, Minister of Foreign Affairs of Peru, had the honour, last night, to receive the Note of the Honourable Charge d'Affaires and Consul General of Her Britannic Majesty, dated yesterday, in which he requests some information regarding the imprisonment of the British subject, Mr. White. The undersigned, until now, was not aware of this fact, excepting by private information; and in order to reply to Mr. Jerningham with official data, he this day requests the corresponding reports.

As soon as they are obtained, he will have the honour to satisfy the desires which Mr. Jerningham has signified to him.

With this motive the undersigned has the honour to renew, &c.

(signed) *José Fabio Melgar.*

No. 3.

Mr. Jerningham to Señor Melgar.

Lima, 28th March 1861.

The undersigned has just received the estimable Note, dated to-day, which his Excellency Señor Melgar has done him the honour to write, in answer to his of yesterday's date, respecting the demand which the undersigned made for information concerning the arrest of Captain Melville White, a British subject.

His Excellency in his communication says that he only knew of this arrest by private notices, and that he must request official information respecting it, which he will forward when received.

On account of the secret and inquisitorial way in which Captain White has been arrested and placed "*incomunicado*," a mode which the free-born English nation look upon with abhorrence, and will not stand from any one; and no information having been given directly about it to the undersigned, and no reason adduced and sent to Her Majesty's Legation why this British subject had been incarcerated, the undersigned begs, in a most respectful manner, to inform his Excellency, is a most unjustifiable act, which he is sure Her Majesty's Government will never countenance or permit, and against which the undersigned, for not having been informed of such an act officially, and not having received proper or any reasons for its accomplishment, begs now firmly and loudly to protest.

If Captain White is accused of illegal acts, it is certainly the duty of the Peruvian Government to have informed the undersigned immediately of the nature of those accusations; but there he is, Captain White, placed in a cell, not allowed communication with any one, not even that of a counsel or any friend, and this upon grounds which nothing, it appears, can justify in the eyes of the undersigned, as he has not been made cognizant of the cause of his arrest.

The undersigned, in all due respect to the Peruvian Government, begs to inform them that, as long as he is Her Majesty's representative in Peru, such acts as the foregoing, without satisfactory reasons being adduced, he cannot and will not allow to take place without entering a most solemn protest against them; and he begs and requests for the information of Her Britannic Majesty's Government, and for the satisfaction of British residents in Peru and his own, the most complete and entire details respecting the imprisonment of Captain Melville White, as well as an immediate access to him for his legal advisers, and those friends to communicate with him whom he may wish to see.

In a letter published 27th of March, in the "*Comercio*" newspaper, by Captain White, he appeals to the undersigned to obtain for him an immediate trial, which request the undersigned trusts will be forthwith granted.

The undersigned, &c.

(signed) Wm. Stafford Jerningham.

No. 4.

Señor Melgar to Mr. Jerningham.

Lima, 29th March 1861.

The undersigned, Minister for Foreign Affairs, had the honour to receive yesterday evening the note of that date, in which the Honourable Chargé d'Affaires and Consul of Her Majesty is pleased to insist on having a detailed communication of the reasons why Mr. Thomas Melville White, a British subject, has been arrested and is kept in custody *au secret*.

In the evening of the 27th, the undersigned received the first note from the Honourable Mr. Jerningham, of similar tenor from that which he is now answering. He acknowledged the receipt of the same yesterday morning, telling Mr. Jerningham that he was about to make inquiries upon the fact in question, in order to reply as requested; and before the information asked for could be obtained, the Chargé d'Affaires has sent to him the Note of yesterday's date.

While replying to that Note, the undersigned has received the report of the magistrate in whose jurisdiction the British subject, Mr. White, is placed, copy of which he has the honour to forward Mr. Jerningham.

But there are in the Note to which the undersigned is replying, claims and protests which it is the duty of the undersigned not to pass without notice.

Mr. Jerningham complains that no detailed account has been given to him of the reasons for the imprisonment of Mr. White and for his being kept *au secret*; he says that the manner in which Mr. White was arrested, and his being detained *au secret*, would produce horror in England; he protests against both acts, and asks to be allowed himself to communicate with the prisoner, and that his friends who wish to visit him may also be allowed to do so.

The undersigned, proceeding on the principle that the foreigner should be subject to the laws of the country which he visits, that the judicial power is independent, and that the laws of one country are not applicable to those of another, is ready to believe that the

Honourable Mr. Jerningham will admit that a British subject accused of a crime in Peru might be arrested in accordance with the laws of Peru, be put in prison and kept "au secret" as long as the law allows the magistrate to retain him in this state, without its being necessary, for all this, to give him (Mr. Jerningham) a previous communication of the accusation, and without the Peruvian Government being able to interfere with the acts of the courts. This is precisely what has taken place in the case of the British subject, Mr. White, as Mr. Jerningham will see by the copy of the report above mentioned.

It is not at all to be inferred from this that Mr. Jerningham may not, as he may think proper, put forward such claims as may be in his competence.

Mr. Jerningham, in his note of the 27th, appeals to an order which he says has been given, to the effect that, in case of the imprisonment of foreign subjects, this should be made known to the public agents of their respective nations; but it is easily understood that a measure of extreme courtesy could not be a ground for the strange obligation which Mr. Jerningham would make binding on the Government of Peru. Mr. Jerningham will see, moreover, that the execution of such a measure is surrounded with difficulties, if it be understood that it should be carried out in the case of arrests of foreigners taking place in the whole extent of the territory. Above all, the undersigned cannot look upon that provision otherwise than as without force [*en desuso*], since arrests of foreigners of all nations have for some time past [*de tiempo atra*] taken place without notice having been given to the agents of their respective Governments.

Finally, after declining to accede to the protests of Mr. Jerningham, the undersigned protests, in his turn, against the pretension which he has put forward that the custody of Mr. White, "au secret," decreed by a competent magistrate in conformity with the laws, be terminated, because this would imply a pretension to interfere with the administration of justice in an independent nation. Upon this particular the Government of the undersigned will refer to the Government of Her Britannic Majesty by the proper channel.

The undersigned has, &c.

(signed) *José Fabio Melgar.*

No. 5.

Mr. Jerningham to Señor Melgar.

Lima, 17 April 1861.

THE undersigned, &c., begs to have the honour to forward to his Excellency the Minister for Foreign Affairs of Peru, for the information of his Government, an extract of a letter which has been addressed to the undersigned by Captain Melville White, a British subject, concerning whose arrest and imprisonment previous correspondence has passed between the undersigned and his Excellency.

The undersigned solicits his Excellency most particularly to submit this extract to the serious consideration of the Peruvian Government, and invite them to weigh, most seriously, the complaints and allegations which it contains.

According to Mr. White's account, he appears to have been forcibly seized, roughly used, and threatened with the bayonet's point, and publicly hurried to the Black Hole in prison immediately when he put his foot upon the quay at Callao, on the 23d of March last.

The undersigned wishes to ask his Excellency, whether any written order was issued and exhibited to Mr. White at the time when he was arrested, for his Excellency knows very well that it is against the laws of this country to arrest a person without exhibiting a written order issued by a competent authority, except in cases of "infragante."

Mr. White, "in the evening of that day (23d March), was brought to Lima, and then thrown into the prison of the Inquisition, and was placed in a foul and loathsome dungeon amongst condemned and manacled felons." Subsequently he was put in solitary confinement, and kept so for several days, and could neither send for nor receive any intelligence nor communicate with the undersigned, nor with any human being within or without the walls of the prison. He was not even permitted to purchase the ordinary articles of nutrition, but compelled to subsist on boiled rice. Other indignities, to be found in his letter, he says he was subjected to by his guard of soldiers, who, he says, appeared to delight in his tortures.

With respect to this treatment, which the undersigned here brings to the notice of the Peruvian Government, if true and correct (and from what the undersigned has heard of the proceedings of subordinate authorities, and Peruvian prison practices on previous occasions, he fears it is undoubtedly so), he begs most respectfully to remind his Excellency that according to the constitutional law of Peru, "prisons are places of detention and not of punishment."

An individual accused of a crime, however bad, cannot by the laws, then, of this country, be punished until his guilt is proved and brought home to him, or before he receives his sentence of condemnation.

Why, then, has Mr. White been so severely dealt with, placed with felons, and subsequently shut up in solitary confinement for several days, not allowed to communicate with the undersigned, or any one, and denied the permission to purchase the most ordinary articles of nutrition? What is this but punishment, and severe punishment? The

Peruvian

Peruvian authorities have no right, by the laws of their own country, to treat any accused person in such a way, however great the crime he might be accused of; detention is only allowed to prevent evasion, not punishment, as if the accused already were condemned.

These are two circumstances to which the undersigned feels it his duty to draw his Excellency's attention, and he must beg to request answers, to which he is undoubtedly entitled, as the protector of all British subjects who may visit or reside in this country. These are: Whether the Peruvian law has been strictly complied with in Mr. White's case, viz., whether Mr. White was examined by the right and competent authority designed in the laws, within 24 hours after his arrest? and, Whether the accusation against Mr. White was made by the accusers upon their oath, or adduced as mere hearsay or report?

Mr. White says, he was subjected to a secret and most inquisitorial questioning, during which intimidation was much and unscrupulously used. Can this really have been the questioning or examination prescribed by the laws above alluded to, and within the prescribed time, or was this afterwards? As for the intimidation which Mr. White declares was had recourse to, if such was really the case, such a mode of proceeding cannot be too highly reprobated.

Mr. White now states, that 21 days have elapsed since he was torn from civilised society; that up to that time no document whatever has been given him or shown to him, or charge made against him, or information why he has been thus cruelly treated; any remonstrance on his part only met with threats; and that such was the savage conduct of the soldiers, who seemed only to await the slightest order to despatch him (kill him); that at length, though not deficient in courage, he really felt alarmed for his life, which he was made to feel was in imminent danger; and he adds, that up to the present time he has not been informed by any official on what charge, or why, he is thus a prisoner, and is treated in so cruel a manner.

Several times, he says, in his letter, that he has undergone interrogatories by Government officials, amongst whom, by one, who, in a moment of excitement, informed him that he was the "arbiter" of his future fate, and that he was a judge named Poncê. When complaining to the interrogators of the strange treatment he was undergoing, one of the three interrogators replied to Mr. White, that the Peruvian Government would keep him in prison as long as it suited their purpose, and that he was not entitled to any explanations until the Government had succeeded or failed in making out a case against him.

At length, through the medium of a fellow prisoner, Mr. White, obtaining a glance at a newspaper, found in an article that he was charged with the horrible crime of attempting to assassinate by shooting at the President of the Republic.

This was the first time, he adds, that he caught a glimpse of the nature of the charge likely to be brought against him.

Such is the succinct account given by Mr. White to the undersigned of what has befallen him since his arrest and imprisonment, many of the statements of which must cause in the mind of the undersigned the greatest surprise, for he is at a loss to conceive how, in these days of enlightenment, progress, and liberty, an unfortunate person can be denounced, imprisoned, and treated with such extreme severity, before trial, and even kept in ignorance of the very crime of which he is accused.

Captain White has now formally appealed to the undersigned for that protection to which, as a British subject, he is entitled, and he has asked the undersigned to furnish him with positive information as to the crime of which he is accused, which the undersigned must now request of the Peruvian Government to produce; for the meagre and short account forwarded to the undersigned, from Judge Ponce, by his Excellency, in his estimable note of 29th March, cannot be regarded as such.

Mr. White also challenges immediate trial, in conformity with equity and justice, and for an opportunity fully and openly to refute the criminal imputations, which, he says, the public journals inform him are laid to his charge. He asks to meet, face to face, those who endeavour to make his reputation and life answer the purpose of some unholy service.

He likewise asks for a complete public prosecution and trial, and loudly protests and claims protection against the inquisitorial system to which he is subjected. He also claims the indemnity and damages from the Peruvian Government which later he may consider to be commensurate and just, for the violation of his personal liberty and rights as a British subject, for the defamation of his character and reputation as a gentleman, for the charge which has been brought against him, and for the indignities and cruelties which he has suffered.

These are Mr. White's requests, which the undersigned now has the honour to submit to the Peruvian Government.

Without wishing to prejudge the question, or to interfere unduly in the administration of justice in Peru, the undersigned here claims, as he undoubtedly has a right to do, an immediate and prompt and fair trial for Mr. White, in conformity with equity and justice, and that also a full opportunity be given him publicly to refute the charges brought against him, and all that he demands which is founded upon the general laws of reason and justice.

In such a grave and serious charge as that of seeking to assassinate the chief of the state, any levity or illegality on the part of the legal authorities may give rise to the most serious consequences. England, who can challenge the world as the spot where justice is most impartially administered, and which is often mentioned as the classic land of

liberty, will expect and require from Peru, who also aspires to be classed with free and generous nations, that, in this case of Thomas Melville White, as in all others where British subjects are concerned, a most impartial trial be given in conformity with the laws of sovereign justice and equity, and that this should be granted and take place as promptly and conclusively as possible.

The note of his Excellency, of 29th of March, in answer to that of the undersigned of the 27th ultimo, with the tenor of which the undersigned cannot possibly agree, the undersigned will have the honour of replying to later on.

The undersigned has, &c.

(signed) *William Stafford Jerningham.*

No. 6.

Mr. Jerningham to Señor Melgar.

Lima, 13 May 1861.

THE undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul General, has the honour to request his Excellency the Minister for Foreign Affairs of the Republic of Peru, to inform him whether the trial of Mr. Melville White, British subject, who has now been in prison for more than six weeks, under the accusation of having attempted to assassinate Grand Marshal Castilla, is being conducted with that promptitude and expedition which the laws of civilized countries require and expect.

Much more than ample time has already expired for proving Mr. Melville White guilty or not of the crime of which he is accused, and the undersigned, who reserves to himself the right hereafter of discussing the circumstances respecting the arrest and treatment of Mr. Melville White in prison, must urge the Peruvian Government to stimulate the judicial authorities to conclude, as soon as possible, the case of the above-mentioned British subject.

The undersigned has, &c.

(signed) *William Stafford Jerningham.*

No. 7.

Peruvian Minister in London to Earl Russell.

My Lord,

Peruvian Legation, London, 13 May 1861.

IN compliance with the commands of my Government, I have the honour to lay before your Excellency the facts which constitute the following communication:—

At the end of the month of March last, Thomas Melville White, a subject of Her Britannic Majesty, was arrested in Lima, and brought for trial by the proper court of justice, as accused of complicity in an attempted murder on the person of his Excellency the President of Peru.

On the 27th, one or two days after this arrest, the Honourable Chargé d'Affaires of Her Majesty addressed to the Minister of Foreign Affairs a communication, asking him "if it was true that a British subject, named White, had been arrested and imprisoned by order of the Peruvian authorities, that he desired to know the cause of his arrest, and why a knowledge of the fact had not been communicated to him," adding, that "the liberty and rights of a British subject being involved in this proceeding, he hoped that the Minister would reply to his demand without delay."

The following day, in acknowledging the receipt of Mr. Jerningham's Note, the Minister of Foreign Affairs said, that he had asked for official informations for the purpose of answering him, and that as soon as he received them, he would have the honour to satisfy the wishes of his Excellency. Notwithstanding this explicit declaration, Mr. Jerningham thought proper not to wait for the fulfilment of the promise of the Minister of Foreign Affairs, but addressed to him on that day, the 28th, a note, of which, for its matter and form, it is to be desired that a complete copy has been already sent to your Excellency. In it Her Majesty's Honourable Chargé d'Affaires protests against the arrest of White as an unjustifiable act, on the ground that it had taken place "in a secret and inquisitorial manner, and without the Government of Peru, as was its duty (such was his Excellency's expression), having informed him of the arrest, and of the nature of the charges which had given rise to it," and concludes by asking, "that White should be put in communication with his friends and counsellors, because the keeping him 'au secret' was a mode of proceeding which caused horror, and which the free-born English nation could not tolerate of any"; also, that he should be furnished, for the knowledge of Her Majesty's Government, and the satisfaction of the English residents in Peru, with the fullest and most complete details respecting the case.

I request your Excellency to be pleased to notice the reply which the Minister of Foreign Affairs gave to this protest, and which I have now the honour to enclose.

Mr.

Mr. Jerningham, as your Excellency will have observed, did not say, nor can he say, that White was proceeded against in an illegal manner, that is to say, contrary to the laws and practices of the Republic, or to the treaties which it has with the British empire, which naturally are in perfect agreement with the laws. He simply assumes, with his intervention in this case, an authority incompatible with the rights of Peru as an independent and sovereign state, forgetting, perhaps, that if there be one Government and nation which more scrupulously respects those rights than others do, that Government and that nation is the British.

If every foreigner who treads the soil of Peru is immediately, and as long as he remains there, subject to the laws of the country, if the intervention of diplomatic agents in favour of the subjects and citizens of the nations respectively represented by them is inadmissible except in cases of refusal or manifest delay of justice, if by the laws of Peru every person brought to justice must remain "au secret" as long as the authority concerned thinks it necessary for the best ends of justice, it seems to me that your Excellency will have no difficulty in believing the surprise of the Peruvian Government at the conduct of the Honourable Mr. Jerningham to be well founded; and, moreover, White has not been treated in the manner which Her Majesty's Chargé d'Affaires appears to intimate, which is foreign to the national character, as his Excellency may have observed by the experience gained during his residence in Peru. White was not in an incommodious prison, suffering penalties to cause horror in his country or elsewhere, but in a spacious dwelling, with all the conveniences possible and compatible with his condition, as accused of a great crime.

The object of the Government of Peru in giving me instructions upon this matter has been to inform Her Majesty's Government of the same directly, in order thus to obviate any impression, however remote it might be, discordant with the good relations which unite the two, or incompatible with the respect due by the Government and people of Peru to the rights of the Queen's subjects.

I have &c.
(signed) *P. Y. de Osma.*

No. 8.

Señor Melgar to Mr. Jerningham.

Lima, 16 May 1861.

THE reports, an authentic copy of which I have the honour to enclose to you, made by the Judge Don Luis Ponce, carrying on the criminal cause against Mr. Thomas Melville White, by the Captain of the port of Callao, by the prefect of that constitutional province, by the intendant of police of Lima, and by the prefect of the same department, will persuade you, sir, how unfounded are the complaints of the said White, since it is not true, as he asserts, that he has remained in a foul dungeon, suffering all kinds of punishment, mal-treatment, and even want of food.

I have especially to call your attention to the following facts referred to in these reports: White, being arrested in the port of Callao, on the 23d of March last, was brought to this capital, and gave his instructive declaration on the 25th of the same month; that is to say, attending to the distance and the precautions that have to be adopted with accused persons, the preliminaries exacted by the laws were fulfilled within the time fixed by them for the commencement of the trial. It is, moreover, proved that the habitation in which he was placed has commodities, which certainly other detained persons do not enjoy; that White refused to receive the daily allowance of money offered to him; that the delay in the judicial proceedings, which is the aspect under which I took this matter into consideration, arises from the nature of the accusation, and from your Honour not having replied to the note in which I stated that you should absolve an important citation which results from the summary; and finally, that if there was an order for incommunication, this was not fulfilled by White, when he confesses that he read newspapers, wrote letters, and even published an article in the "Commercio."

If, from consideration for the appreciable recommendations of your Honour regarding the exact administration of justice, I have looked for these elucidations, and if, from the same consideration for your Honour personally, I have believed that I might inform you of the details referred to, I do not doubt that, participating in equal sentiments, your Honour will cause the accused to comprehend the falseness of the facts which he referred to.

Admitting, as a recommendation, the worthy note of your Honour of 17th April last, I have transcribed it to the respective tribunal, so that the desires of your Honour may be satisfied in so far as the laws of the country permit.

I have, &c.
(signed) *José Fabio Melgar.*

No. 9.

REPORT OF JUDGE PONCE.

(Enclosure 1, in No. 8.)

(Translation.)

M. Minister,

IN making the report which you, sir, have been pleased to request of the undersigned relative to the complaint made by Thomas Melville White to the Chargé d'Affaires and Consul-General of Her Britannic Majesty, I have to state that on the 25th of March last I received through the Intendant of Police a note by which the trial of the said White was charged to me, he being accused by the authorities of the port of Arica in a formal manner, as the individual who fired a ball at his Excellency the President of the Republic, Grand Marshal D. Ramon Castilla, on the evening of the 25th of July 1860.

In fulfilment of my duty, I proceeded to the prison to commence the summary against the accused; the interrogatory did not pass the limit contained in the said note, nor of the merits shown in the process carried on to discover the author of such a horrible and scandalous crime. It is surprising, sir, the assurance of the accused Melville White, when he supposes that during the interrogatories he was treated with a menacing tone and asperity. You, sir, know well that the mission of the judge is to investigate the crime in a decorous and circumspect manner, which his mission imposes upon him; that it is prohibited to use terror, to infuse fear in the accused, that he should only spontaneously reply to the questions put to him. The first interrogatory being concluded, the court required, and according to the law ordered, whilst some other proceedings were taken, that the accused White should be without communication. That incommunication lasted two days, and for that object was selected a locality which is in the yard of the prison, near to the iron gate which communicates with the door to the street, very ventilated, and which formerly served as the habitation of the governor of the prison; and I will say that it is infinitely better than that allotted to the political prisoners existing in the prison. It is necessary, sir, that Melville White must, in an excess of passion on account of his detention, have stated the acts which are read in his complaint to the Chargé d'Affaires and Consul-General of Her Britannic Majesty, for it is highly unversimil that he should be tormented and menaced in the prison, much more that the undersigned had said to him that he was the arbiter of his future fate. He says he has complained to the court of the bad treatment which he supposes conferred upon him, and that he is told that the Government will keep him in prison as long as they choose, and even that his rights are denied, when demanded.

A statement of this nature is astonishing. White's representations are admitted; they are substantiated in the regular way; and the decisions upon them are made known to him. If he complains of incommunication, this appears to be refuted by himself, for White during the two days that he was incommunicated (he) made publications in the official newspaper, and because he was provided with a newspaper by a prisoner, which revealed the cause of his imprisonment, so that you, sir, will see that he disobeyed the measures ordered by the Court, and caused the incommunication to be illusory during those two days. Those assertions prove in an undoubted manner the predisposition of White to make inadequate and supposed imputations against the proceedings observed towards him.

As regards the aliment provided to Melville White in the prison, it is an observed precept of the alcalde to administer it to the prisoners at the proper hours. The quality is examined by the visiting judge weekly on Saturdays, by the judges in turn daily, and by their employes of the judicial power. Care is scrupulously taken that they are healthy, nutritious and of good quality. Moreover, the undersigned, always disposed to distinguish the accused White, spoke with the Intendant of Police to allow him the pecuniary quota which the political prisoners receive daily; and a subaltern having taken to him the amount for a day's aliment, he declined to receive it, saying to the officers that "the time would come to receive it all at once."

I will conclude the present, stating, that if in the cause carried on against Thomas Melville White any delay is noted, the motive is, because as the data proceeded from the port of Arica to this capital, it has been necessary to send a despatch to the judges of the department of Tacua, which circumstances cause delay in executing the resulting proceedings, notwithstanding the respective notes are renewed by the various steamers; and, under date of 25th instant, I received a note from the Judge of First Instance of Arica advising, having concluded his proceedings, he had remitted the despatch to the city of Tacua, in order to absolve various declarations conclusive to the trial. Finally, there is pending in this Court the absolving of the important citation which White makes of the Charge d'Affaires and Consul-General of Her Britannic Majesty, to which end I passed the respective note to you on the 31st of March last, which I was replied to by you, sir, on the 3d instant.

I await, sir, the remission by the Judge of First Instance of Tacua of the despatch in order to conclude this summary.

(signed) *Luis Ponce.*

This is a copy.

(signed) *Juan Ezeta, Chief Clerk.*

Lima, 29 April 1861.

No. 10.

REPORT of the INTENDANT of POLICE.

(Enclosure 2, in No. 8.)

Lima, 29 April 1861.

AS soon as possible let the Prefect of the Department make his report, hearing those whom it may concern.

(signed) *Ezeta.*

Lima, 30 April 1861.

LET the Sub-Prefect and Intendant of Police of this province make his report.

(signed) *Freyre.*

M. Colonel Prefect,

ON the 23d of March was communicated to me, through the Prefecture, the supreme order to transfer to the prison Mr. Thomas Melville White, placing him at the disposal of the Judge of Crime, Dr. D. Luis Ponce, which was done. On the following day the Adjutant of this Intendancy, D. Juan Portalatino Garcia, having taken to him (White) the daily succour which is given to political prisoners, corresponding to four days, he would not receive it, indicating that he still had money, and that later it should be taken to him altogether. In effect, several days having passed, the same adjutant carried the succour of fifteen days, and then the said White refused to receive it at all, stating that an English colonel who was with him, had told him not to receive anything, and that he had sufficient from his friends, and therefore he offered his thanks; which took place in the presence of several political prisoners there, according to the report of the same adjutant in this office, of which the judge of the cause was informed the same day; the daily succour having been returned to the treasury, which the said White refused to receive.

This is all I can say in compliance with the preceding supreme decree.

(signed) *Miguel Baquero.*

Lima, 1 May 1861.

No. 11.

REPORT of the PREFECT of the DEPARTMENT.

(Enclosure 3, in No. 8.)

Sir,

THE arrest and trial of Thomas Melville White proceeds from a supreme order communicated by the Ministry of Government to this Prefecture on the 23d of the past month (March), and transmitted on the same date to the Intendant of Police. The report of him and that of the Judge of Crime give sufficient light for your Excellency to know the facts that have followed that act, and how unfounded is the complaint of the said White. As regards the treatment which he receives in the prison the Prefecture can say nothing, because the deposit for prisoners depends upon the President of the Superior Court of Justice.

(signed) *Manual Freyre.*

Lima, 1 May 1861.

No. 12.

REPORT of the CAPTAIN of the PORT.

(Enclosure 4, in No. 8.)

Lima, 1 May 1861.

LET the Prefect of the constitutional province of Callao report, hearing those whom it may concern.

(signed) *Ezeta.*

Callao, 1 May 1861.

LET the Captain of the port report as soon as possible.

(signed) *Freyre.*

Meritorious General Prefect,

COMPLYING with the preceding superior decree, I have to state that by the steamer "Bolivia," which anchored in this port on the 23d of March last, came as passenger Ensign Don Antonio Valdivieso from the port of Arica, who communicated to the

First Lieutenant of the Navy, First Adjutant of this office, and who received the said steamer, that he came commissioned by the captain of the port of Arica, D. Pedro Carrerio, to advise that the English subject, Mr. Melville White (who he pointed out), had come on board, a suspicious person for the Supreme Government; in consequence of which Lieutenant Iladoy, with a knowledge of the advice and of the special instructions regarding certain passengers communicated to the Prefecture, came immediately on shore; and, as soon as Mr. White arrived at the Mole, he intimated to him the order of arrest, which he obeyed without resistance, and he was placed at your disposal; and, if after the said White was delivered over to you, any occurrence has taken place, I am ignorant of it; but his apprehension on the Mole was effected without any extortion or violence. This is all I can report upon this particular matter.

(signed) *Benjamin Mariategui.*

Callao, 8 May 1861.

No. 13.

REPORT of the PREFECT of the Province.

(Enclosure 5, in No. 8.)

Sir,

THE report issued by the captaincy of this port shows, that Mr. Melville White was arrested without any act of violence being committed, for the moment the said order was intimated to him he obeyed it without resistance. The detention was ordered in virtue of a note addressed by the captain of the port of Arica to the Commandantcy-General of Marine, copy of which I enclose, assuring, that Mr. White is the assassin of his Excellency the President. Immediately on his being arrested, I informed the Supreme Government, who ordered that White should be sent to the capital, which order was fulfilled with the greatest exactitude. This is all I have to report upon this particular.

Callao, 8 May 1861.

(signed) *Nicolas Freyre.*

This is a copy.

(signed) *Juan Ezeta*, Chief Clerk.

No. 14.

Mr. *Jerningham* to Señor *Melgar*.

Lima, 18 May 1861.

THE undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul-General, had the honour to receive from his Excellency Don José Fabio Melgar, Minister for Foreign Affairs of the Republic of Peru, a note dated 16th May, in which is enclosed a copy of a note from Judge Ponce respecting the judicial proceedings and other information concerning the accused Mr. Melville White.

The undersigned will only at present refer to that part of Judge Ponce's note in which he states, that a most important allusion to the undersigned by Mr. White in his declaration must be cleared up by his court, respecting which the judge wrote to his Excellency on the 30th of March last.

His Excellency communicated to the undersigned this information in his note of 3d April, and in it was requested of the undersigned, that he should make a declaration before Judge Ponce where he choose; in fact, that the judge would come and take his declaration in the place that he should select.

Upon receiving this note from his Excellency, although greatly surprised at such an unusual communication, the undersigned proceeded immediately to his Excellency's office, and told him that the diplomatic character of the undersigned prevented him from appearing before a judge, as such an authority had no jurisdiction over him whatever, in the capacity the undersigned held in this Republic; but that as Mr. White had mentioned the undersigned in his declaration, and that which the undersigned might have to say with respect to Mr. White might be of utility (meaning as regarded Mr. White), that the undersigned had no objection to answer, or not, any questions which the Peruvian Government forwarded to the undersigned in their name and as coming from them, of course these questions being addressed by Judge Ponce to his Excellency the Minister for Foreign Affairs of Peru.

This is what the undersigned told his Excellency in two conversations, and he has now the honour to give him the same in writing. What took place between Mr. White and the undersigned, his Excellency must be informed, occurred at Her Britannic Majesty's Legation, which is England, where no judges, save British authorities, have any jurisdiction whatever.

Surely Judge Ponce must have imbibed very erroneous notions of international law, if he imagines that because an accused may have mentioned the name of the undersigned in a judicial process, the undersigned is obliged to come and make a declaration before him of anything that may have been said by the undersigned and Her Britannic Majesty's subjects, whose duty it is the undersigned's to protect, in that place which is guarded

by

by its acknowledged privileges, just in the same manner as is the Peruvian Legation in London.

The pretension to make the undersigned amenable for any intercourse he may have with his fellow countrymen at the British Legation, or anywhere in Peru where the undersigned may be, is a pretension so preposterous and new, in these days of the nineteenth century, that during the whole course of the diplomatic life of the undersigned, 27 years, he has never once seen such a pretension put forward.

Being accredited to the Peruvian Government by that of Her Britannic Majesty, the undersigned has no other official intercourse with any other power or authorities in Peru. Besides, what would be the use of Judge Ponce's coming to take the declaration of the undersigned at the British Legation? Why, the judge's jurisdiction would end at the entrance of that dwelling, and how could Her Majesty's Chargé d'Affaires accredited to the Peruvian Government make a declaration before a Peruvian judge, when his official diplomatic capacity forbids him to acknowledge his authority or jurisdiction in matters public or private concerning himself, or himself with others, as he is only responsible for his acts to the authorities of Great Britain?

The undersigned is sorry to say, with all the gravity with which such a subject ought to be treated, that he recognises in the attempt, patronised by the Peruvian Government, a blow aimed at the time-honoured and universally acknowledged privileges of diplomatic servants, which, however, will never be allowed to take effect as long as the undersigned has the charge of Her Majesty's Legation in Peru, as far as his privileges are concerned; for rather than submit to any such degrading innovation he would not hesitate to resign his post at once.

The undersigned has, &c.

(signed) *Wm. Stafford Jerningham.*

No. 15.

Peruvian Minister in London to Earl *Russell*.

My Lord,

Peruvian Legation, London, 20 August 1861.

I HAVE the honour of receiving your Lordship's note of the 31st ultimo, in reply to mine of the 13th May, relative to the arrest and judgment of Captain Melville White, in which you are pleased to communicate to me the instructions which Her Majesty's Government has addressed to its honourable representative with the Peruvian Government with respect to that case.

It is a matter of great regret to me to perceive that Her Majesty's Government is of opinion that Captain White has been treated by the Peruvian authorities with such harshness and personal indignities, that, even if they could be justified by the laws of the Republic, they would be indefensible, as opposed to the usages and relations between civilized nations.

My Government will, without doubt, feel itself bound to satisfy the Government of Her Majesty, by manifesting that there has been no illegality in the proceedings taken against Captain White, nor any harshness or indignities which would not at once be supported by the laws of the country. If it were otherwise, it would not hesitate a moment in employing all the power which the constitution has placed in its hands to give effect to the responsibility of the courts and magistrates who may have failed in their duties, or who have ill-treated, without necessity, a subject of Her Majesty the Queen.

I have, &c.

(signed) *P. Y. De Osma.*

No. 16.

Captain *White* to Mr. *Jerningham* (enclosing "Escrito," or Petition).

Prison of the Inquisition, Lima,

20 July 1861, 2.30 p.m.

Sir,

I HAVE the honour to enclose for your Excellency's information, a copy of an "escrito," which I personally presented to Mr. Ponce (the criminal judge to whom the Peruvian Government has confided the management of the foul charge with which they have long wantonly strove, and still strive to destroy my honour and reputation, and for which they have most inhumanly tortured me for nearly four months, and still continue to torture me), at 2.15 p.m. to-day, in the capilla or chapel of this prison, in presence of another prisoner.

I have, &c.

(signed) *T. Melville White.*

Hon. Wm. Stafford Jerningham,
H.B.M. Chargé d'Affaires, &c., Lima.

PETITION.

To Judge *Ponce*, Judge of First Instance, Judge of Crime, &c.

HAVING made repeated applications for a copy of the charge on which I have been arrested and subjected to unheard of brutality by the officials of the Peruvian Government, and also for a copy of the written authority on which such arrest was made, and not having been furnished with either up to this date, although arrested on the 23d of last March, I hereby again formally demand true copies of the above-named documents, and also thereby reiterate my oft-repeated protests against the illegality of the course pursued towards me, against the vile inquisitorial secret ordeal to which I have been subjected, as well as against the continued barbarous oppression, tyranny, and wrong to which I, a faithful subject of Her Britannic Majesty, am still being subjected by the Peruvian Government.

Stigmatised by the agents of that Government in the public journals as an assassin, I have in vain heretofore demanded an open and impartial trial; yet, repelling as I do with scorn and indignation the foul charge with which it is sought to ruin my prospects and blast my character and honour, dearer to me than life, I am still left languishing in a filthy dungeon, conscious of innocence, and daring my oppressors to the ordeal of a public trial.

Sir, you told me you were the arbiter of my fate, and that it was idle to speak before you of British law, British justice, or British opinion, and that being in Peru you would treat me according to your own will and fancy; you have done so hitherto in a manner sufficiently arbitrary to gratify your avowed hatred of the English people, whose opinion, respecting the injustice and cruelty of which I have been so shamelessly made the victim, has yet to be expressed.

Prison of the "Inquisition,"
Lima, 20 July 1861.

• I have, &c.
(signed) *T. Melville White.*

No. 17.

Mr. *Barton* to Señor *Melgar*.

British Legation, Lima, 24 August 1861.

THE undersigned, Her Britannic Majesty's Consul in charge of Her Majesty's Legation and Consulate General, in Peru, has the honour to acquaint his Excellency the Minister for Foreign Affairs of the Republic of Peru, that he yesterday visited a British subject in the prison of the Inquisition, named Thomas Melville White, on account of having been informed that the said Thomas Melville White had been put in irons by the Judge Señor *Ponce* on the previous day.

His Excellency Señor *Melgar* is aware that Thomas Melville White has now been in prison for the long term of upwards of four months, and although various applications have been made by Her Majesty's late Chargé d'Affaires, requesting that this trial should be brought to as speedy a conclusion as convenient, Mr. White informs the undersigned that up to yesterday no notice had been given to him as to what he was accused of.

The undersigned therefore respectfully requests of his Excellency Señor *Melgar*, that he may be informed of the present state of this trial, and if there is a probability of its being shortly concluded, as Mr. Melville White, from his lengthened imprisonment, complains of his liver being affected.

The undersigned avails himself of this opportunity to express to his Excellency the Minister for Foreign Affairs the assurances of his highest consideration and esteem.

(signed) *John Barton.*

No. 18

INSTRUCTIONS to Judge *Ponce* for further Report.

To the Judge of First Instance, *D. D. Luis Ponce*.

Lima, 4 September 1861.

FROM reports of British functionaries, resident in this capital to their Government, in consequence of the arrest and imprisonment of Captain Melville White, the said Government has conceived the idea that White was arrested and placed in severe and solitary confinement on the 2d of March last, and continued so until the 28th of April; that he was personally treated with indignity and severity; that he has not received any written notice of the charge for which he was arrested; that he has not been confronted with any of the witnesses nor subjected to audience nor preliminary proceeding, nor has he been permitted to see any legal adviser.

And, as it is necessary to clear up the truth of these assertions, I hope that you will proceed carefully and minutely to report to the Ministry upon this matter as soon as possible.

May God guard you.
(signed) *José Fabio Melgar.*

No. 19.

REPORT by Judge Ponce.

To the Minister of State in the Despatch of Government and Foreign Relations.

IN complying with the tenour of the preceding Note, in which you, sir, have been pleased to request that this court should report upon the criminal cause carried on against the British subject, Thomas Melville White, the facts consigned in the process, and those which have occurred during the prosecution of the trial, are those which I proceed to relate.

On the 23d of March of the present year, the Commandant General of Marine informed the Minister of Government, that the said White had arrived at the port of Callao from that of Arica, who was accused by Manuel Romero, Commandant of the Customs guard-house of the said port, of being the individual who fired the ball at His Excellency the President of the Republic, Grand Marshal Ramon Castilla, on the 25th of July, in the evening, of the previous year 1860. Melville White being submitted to the corresponding trial on the 24th of March, of the present year, his respective declaration was taken, and he has been treated in the prison with the indulgence and equity that should be used towards any person, although he may be accused of the greatest crime.

In the prison was assigned to him the habitation that would render him better accommodation, separating him from the contact and union with the other prisoners, without this circumstance depriving him of communication with his friends, and the persons who desired to visit him, as has occurred, for he received various visitors, among others Colonel O'Gorman. Orders were given to supply him with the corresponding pecuniary quota for his maintenance, putting him on an equality with the individuals prosecuted for political crimes, so that he could not at any time complain that the same food as that given to the other prisoners for common causes was allowed to him. It may not be superfluous to state, that Melville White refused to take the sum of one dollar daily that was offered to him for aliment; he said, because his imprisonment would be remunerated with large amounts, which the Peruvian nation would indemnify him in a few days, as soon as his Government was made acquainted of it. These facts, sir, will set aside the idea of the assertions made by White regarding the severe and solitary confinement which he with temerity declared he has suffered; for the treatment he has received has been attentive, decent, and with all the accommodation that a prison can give. As regards the complaint that White had not received a written notice of the charge for which he was arrested, it appears in the process to be entirely unfounded, for in the summary it has been cited at different times, and which with his own hand and writing he has signed; and when the documents were in a state for him to give his confession, after reading to him his instructive declaration, and all the process, on observing that the most serious charges emanated from the declarations made by many of his countrymen, he exclaimed against the court and other Peruvian authorities in insult and sarcasm, such as have never been heard nor used in the presence of a judge by any accused person, whatever his class or condition may be. This occurrence made it the duty of the undersigned to order the accused White to be arrested in the stocks for a short time, and which did not last ten minutes, considering that, if it had been overlooked, the bad example would spread among the other prisoners, and the judges would find themselves insulted and contemned in their dignity as such.

As regards the appointment of a legal adviser, what the law directs has been done in this cause, that is to say, that a defender be named after the prisoner has given his confession.

With the above statement the points referred to in your esteemed note of the 4th instant are answered.

(signed) *Luis Ponce.*

This is a Copy.

For the Chief Officer,

The First Officer,

(signed) *Manuel Galub.*

Lima, 7 September 1861.

No. 20.

SENTENCE of the Judge of First Instance.

SEEN and considering, 1st, That Thomas Melville White was submitted to trial, imputing to him the being the author of the crime of assassination frustrated, of the person of His Excellency Grand Marshal D. Ramon Castilla, President of the Republic, by firing at him a pistol-shot on the 25th of July, of the year last past, at seven o'clock in the evening, at the corner of the Archbishop-street, on proceeding to the Government House, by which he was wounded in the left arm.

2d. That every step having been taken to clear up this case, it has arrived at the stage of pronouncing sentence.

3d. That at page 40, Mr. David Douglas, native of Scotland, engineer of mines, in answering the citation of the Commandant of the Customs Guard-house of Arica, Don Manuel Romero, states, first, that being in Corocoro, in Bolivia, about the month of April or May of last year, Thomas Melville White manifested to him, in the house of Don Pedro Caso, his desire that his Excellency General Castilla should fall from command, and that the ex-General Echenique should rise to it; second, that the said Caso, who is a great friend of his, communicated to him that a meeting had taken place in his house, sustained with spirits, in which had been toasted the fall from the presidential chair of his Excellency General Castilla, and the elevation to the command of Echenique, indicating at the same time that White was about to do an astonishing thing in Peru, which Caso added, in consequence of Douglas having said that White appeared to him to be a bad man.

4th. That it being clearly shown in the process that White is a man of no known occupation, very poor; that he made frequent voyages between Lima and Bolivia; that he was in contact with Echenique and Linares, of whom Douglas saw bills in his favour, makes it necessary to suppose as very probable that White was an agent of theirs in their pretensions to displace from command his Excellency General Castilla, such being the conception formed of him by his countrymen; this opinion being fortified by the circumstance of White having shown himself very pensive when Linares issued the decree of interdiction, it being then that he extended his voyages to the Republic of Chili, where Echenique had transferred himself, they having come to Callao in the same steamer in March last.

5th. That not having been able to discover, by means of the books of arrival and departure of the passengers of the steamer in the ports of Callao and Arica, the months and days in which White should have been found in Lima, it is necessary that the Court should attend to the merit of the declarations of Dr. Isabel Dorra and Don Luis Blondel, of Tacua, not considering him as the material author of such an atrocious crime.

6th. That the laws exact, to impose punishment, that the delinquency of the prisoner be demonstrated with all clearness.

7th. That every state has the right to expel from its territory vagrant foreigners, and much more so when they are suspected of being implicated in grave crimes. For these and other grounds shown in the process, with the opinion of the Fiscal Agent, I adjudge that I should absolve, and that I absolve from the cause Thomas Melville White, as regards complicity in the crime imputed to him, and in general of co-operating to upset public order, but that he should be expelled the territory of the Republic, never to return to it. And with this my sentence, which shall be submitted to the superior tribunal, if not appealed against within the legal time, definitively judging in the first instance.

I so pronounce, order, and sign it.

Lima, 30 November 1861.

(signed) *Guillermo Carrillo.
Suarez.*

No. 21.

SENTENCE OF THE "CORTE SUPERIOR."

These documents having been seen, with the statement of the Fiscal, and considering that from the declarations of Luis Dorra, of Isabel P. de Dorra, and of Luis Blondell, it appears that Thomas Melville White was in the city of Tacua, from the 21st up to the 28th of July 1860, by which he could not be the author of the attack made upon the person of his Excellency the President of the Republic, in this capital, on the 25th of the same month, and that neither has any other charge been proved against the accused: The Court sentences as judgment, by which it revokes that of the Court of First Instance, at page 145, dated 30th November last, absolves definitively Melville White, and blames the Judge for not having pronounced sentence within the time provided by the law, and returns the documents.

(signed) *Davila. Saravia.
Barriga. Rospigliosi.
Chacaltana. Leon.*

The vote of the Judge, Dr. Manuel Saravia, was for revoking the sentence and definitive absolution of White, as regards the crime of which he has been accused, and attending to what has been shown, as it appears that White is a vagrant and of suspicious habits, that the police be warned to watch his conduct.

That of the Judges, Dr. Bernardo Leon and Dr. Thomas Davila, was for the revocation of the sentence, as regards absolving White from the prosecution, but not definitively of the crime of assassination against the President of the Republic, and for his expulsion from the country, and for the confirmation of the part in which it absolves him from the prosecution as regards the other charges which have been matter of inquiry, with blame to the Judge.

No. 22.

Mr. Barton to Señor Ribeyro.

British Legation, Lima, 16 May, 1862.

THE undersigned, &c., has the honour to acquaint his Excellency the Peruvian Minister for Foreign Affairs, that he has received instructions from Her Majesty's Principal Secretary of State for Foreign Affairs to notify, in the most formal manner, to the Peruvian Government, that it is the intention of Her Majesty's Government to demand from the Government of Peru an adequate compensation for Mr. Thomas Melville White, a British subject, who has been detained for a length of time in prison, without due process, under circumstances at variance with the usages in force amongst civilized nations. Whilst thus imprisoned he has been exposed to every kind of indignity, and to much cruelty; he has been for a long time refused all adequate means of defence; and has, after having suffered upwards of ten months' imprisonment, been acquitted of the charge preferred against him.

The undersigned has the honour to renew to his Excellency the assurances of his high consideration.

(signed) *J. Barton.*

No. 23.

Señor Ribeyro to Mr. Barton.

Lima, 15 September 1862.

THE estimable communication of the Honourable *Chargé d'Affaires* of Her Britannic Majesty addressed to demand a compensation in favour of the British subject Thomas Melville White, tried by the national tribunals, in consequence of accusations which were made against him, has been taken into consideration by the undersigned Minister for Foreign Affairs; and he regrets that he cannot agree to the principles therein laid down, nor accede to a demand which, as he will very briefly show, is not in harmony with the rules of universal justice, nor with the precepts of the national legislation.

The said White is one of those men who, from his mysterious conduct, clandestine voyages, and bad connexions, naturally attracted the attention of the police authorities, and was submitted to trial, it being believed, not without foundation, that he was the author of the frustrated homicide on the person of his Excellency the President of the Republic. White has not been one of those pacific and inoffensive foreigners whom an open and legal proceeding makes worthy of the protection of the laws, he has not been one of those visitors of known industry and moral habits to whom ample and generous hospitality is dispensed.

He was submitted to the action of the tribunals, because data, not of a light nature, presented him as the agent of an atrocious crime, which, with reason, attracted the attention of the country, and was a motive of alarm and scandal here, as well as in the other republics of the continent. A homicide committed on the person of a private citizen is a criminal act, as you, sir, are well aware, punished in all parts with inflexible severity, because to deprive men of life, which is the greatest of treasure on earth, involves an immoral act which seriously compromises the tranquillity of society; but most serious are the consequences which bring about the assassination of the heads of nations, called monarchs, or denominated presidents. For this reason the legislations of all the world fulminate severe punishment against regicides, who destroy in an individual the welfare of the people, their internal peace, and expectations perhaps more flattering for the future. The imprisonment of White, and his consequent prompt delivery to the competent courts, is not, therefore, strange, illegal, nor repugnant to good sense.

The criminal cause was carried on with scrupulous circumspection, which was necessary to find out the truth of the accusation, without abuses of any kind, without unnecessarily maltreating the accused, and without voluntary delays the process came to an end; and during the various judicial grades things were being cleared up to the point in which White was declared not inculpable, and totally exempt from punishment, but absolved for the present, because, although there are suspicions against him, and not small ones, proofs, which we call complete, have been wanting in order to punish him.

This statement, sir, which is the faithful and genuine expression of the facts, shows that there has not been any system of hostility against the British subject for whom you have been pleased to make a demand, that no gratuitous aggression has existed from want of justice or from palpable delay of it. There are very frequent cases in which the very nature of the facts require a careful detention in the summary in order not to be exposed to err, which, once committed, although involuntary, would be of tardy and perhaps difficult reparation. The very accused, at times, for their defence prolong the time, with the object of making those juridical appreciations conducive to accredit their innocence. Only in case of notorious injustice palpably demonstrated can diplomatic question be allowed; and in the present question, far from there being anything to complain of, our judges display that tolerance and clemency that, without being in contradiction with the perfect rights emanating from the law, serve to diminish the evils which the temporal loss of liberty brings with it.

White, apart from the motives against him regarding the homicide referred to, was a secret agent to prepare in the territory of the republic political agitations contrary to the system established by the ministry of the constitution, and by the national will.

These charges have not been, as they ought to have been, completely and satisfactorily cleared away by him for the safety of his reputation. Let it not be said, that the means of vindicating himself have been denied; he has had them in abundance, and functionaries officially named, who with careful solicitude have defended, and worked with diligence to save him. In our republics, many foreigners mix themselves in the internal affairs, which certainly do not interest them, and when they are discovered in criminal acts to assist a party to invert the existing order of things, they appeal to their particular condition, they invoke the protection of their ministers, and do not accept the consequences of their faults, of their intervention, and of their vituperable partiality.

This is the case with White; allow the undersigned to say so frankly to the Honourable *Chargé d'Affaires*, and allow that his voice may have force in a matter in which he believes is bound up the stability of a principle of strict justice, the credit of his country, and the welfare of all the sections of South America.

The undersigned lays aside many other considerations of an international character to incline the enlightened diplomatic agent, with whom he speaks, to desist from a pretension which is wanting of a real and solid support, because the force of the present reasoning in his opinion will be sufficient to clear away any unfavourable impressions which false statements may have produced in this vexatious matter. He does not consider it superfluous to reassume the previous statement, asseverating to you, sir, that White has been humanely treated, and that, even for the insults heaped upon his judge, he has been looked upon with indulgence; that his inevitable cause, from the very nature of the accusations against him, has been carried on with regularity; and that the means of defence have been had at his disposal, in the same manner as they are allowed to the natives, without any odious exception.

The undersigned repeats that, in this discussion of honour for his country, he omits other reasons which shall, in the unexpected case of those now adduced not being esteemed as sufficient, be opportunely explained, to defend the nation and its Government from a responsibility which, in truth they have not, and to which they can never consent.

With sentiments of the highest consideration, I have the honour to renew to the Honourable Mr. Barton the expressions of the distinguished estimation and appreciation with which I am, &c.

(signed) *Juan Antonio Ribeyro.*

No. 24.

Mr. Jerningham to Señor Paz Soldan.

Lima, January 8, 1863.

THE undersigned, Her Britannic Majesty's *Chargé d'Affaires* and Consul General to Peru, has the honour, in consequence of instructions which he has received from Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, to address a formal Note to the Government of his Excellency Don José Gregorio Paz Soldan, the Minister for Foreign Affairs of the Republic of Peru, conveying the demand of Her Majesty's Government for the compensation of 4,500 *l.* sterling to Mr. Thomas Melville White, for the ill-treatment which he has experienced in Peru.

The undersigned has been directed to state, that Her Majesty's Government have carefully examined into the circumstances of this case before assessing their demand for compensation at the sum above named; that they are not prepared to enter into any discussion with a view to bring about a reconsideration of their decision in this matter; and he is instructed to request, that the answer of the Peruvian Government may be returned within a reasonable time.

Her Majesty's Government also state that, should the payment be delayed, they will add to the sum demanded interest from the date of the notification of this demand by the undersigned.

In conclusion, the undersigned has been instructed not to conceal from the Peruvian Government that this matter is viewed in a very serious light by Her Majesty's Government, who will not suffer the demand which they have thus put forward to rest unsatisfied.

The undersigned has the honour, &c.

(signed) *Wm. Stafford Jerningham.*

No. 25.

Señor Paz Soldan to Mr. Jerningham.

Lima, 17 January 1863.

IN the note which the Honourable *Chargé d'Affaires* of Her Britannic Majesty has addressed to the undersigned, dated the 8th instant, he declares that his Government have resolved that that of Peru shall pay four thousand five hundred pounds sterling (4,500 *l.*) to the British subject, Thomas Melville White, as a compensation for the ill-treatment which he suffered in Peru; that they will not enter into any discussion upon this matter; that

that the reply should be given within a reasonable time; that should there be delay, interest will be charged; and, in conclusion, that this is a serious matter, for the Government of Her Majesty will not permit that the demand made shall remain unsatisfied.

The undersigned has acquainted his Excellency the President of the intimation of the Honourable *Chargé d'Affaires* of Her Britannic Majesty, and he has directed me to reply that the Government of Her Majesty must certainly have been unfavourably informed as to the facts which have occurred with Melville White, or they would not have launched their powerful threat against a Government who has done no injury to Mr. Melville White, nor upon whose person have the maltreatments complained of fallen. The supposed charges which he has made are answered and satisfactorily refuted by irrefragable documents.

The Honourable *Chargé d'Affaires* does not even indicate what are the fresh documents which Her Majesty's Government has carefully examined, nor the serious circumstances which have induced the present demand in so imperious a manner, that room for discussion is not even allowed. The complaint of an individual, however true it may be supposed, is not a sufficient reason, nor does it give such inevitable support, that itself alone is sufficient for declaring a government culpable and responsible for injuries which it has not committed, and bound to give a reparation, which on no account can be demanded of it with unusual severity.

The exaggerated complaints and the false imputations invented by Melville White against the authorities and Government of Peru, appear studiously calculated to produce a discord with the Government of Her Britannic Majesty, to satisfy his vengeance and to acquire a capital. But all this apparatus of calumnious accusations disappears before the reality of the facts. Whilst he was subject to the action of the tribunals, he was treated with kindness, and provided with all the means of defence; he had an advocate to defend him, and an attorney to act in his favour, without on their part omitting the most simple considerations.

The courts and tribunals, to whom he attributes a persecuting spirit, if they did not declare him innocent, there not being sufficient proofs for doing so, neither did they impose any punishment, for the same reason, acting in everything with impartiality.

If the demand of Her Majesty is, therefore, founded on the fact that White was absolved, the nature of the crime of which he was accused, his suspicious conduct, the facts proved in the process, and the tenor of the sentences which have in their favour the legal presumption of being just and truthful, should also have had weight in Her enlightened judgment. Even should White have been definitively absolved, that absolution does not impose the obligation of indemnifying him with the pecuniary sum demanded, because it would in fact introduce into the Peruvian legislation a privileged innovation in favour of foreigners not conceded to the natives, and the adoption of which, put in practice, would make the prosecution of crimes dangerous, or would leave the authors unpunished, causing the administration of justice to be illusory.

* To refuse all discussion is to acknowledge the justice of the Peruvian Government, and prevent that by its means the facts be exposed and the temerity of White be made transparent. Regarding the intention of not discussing, there is a fact grave and solemn which the undersigned must call to remembrance, which, no doubt, will also have weight in the opinion of the Honourable *Chargé d'Affaires*, and the due appreciation of which will induce him to change his resolution. This fact perhaps has been forgotten, and it will be necessary to consider it.

In a Despatch of his Excellency Lord Russell, dated in London the 31st of July 1861, addressed to the Legation of Her Britannic Majesty, and communicated by it to this Ministry, his Excellency said, "that the Government of Her Majesty considered that all ulterior discussion upon this matter should take place in Lima." The Government of Peru has and had a perfect right to confide in so solemn a promise, without venturing to apprehend that it would be changed, and all discussion closed. In effect, since that date, there has not nor has any official discussion even been initiated in Lima, as his Excellency Lord Russell considered.

There only appear some notes from the Legation urging for the prompt termination of the cause carried on against White.

The Honourable Mr. Jerningham, in one of them, dated the 13th of May 1861, expressly said, after complaining of the delay in the case against White, that he reserved the right to discuss afterwards the circumstances relative to the arrest and treatment given to him in the jail. On the 16th of May 1862, Mr. Barton addressed a fresh note, which was replied to by Señor Ribeyro on the 15th September of the same year, making known to him that the intention of his Government was to make a demand for indemnity in favour of that subject. This declaration involved, therefore, and ratified the promise of a discussion, because the making a demand produced the reciprocity of replying to and discussing it. The Government of Peru was, therefore, far from presuming even that, instead of adopting the means proposed, and so spontaneously indicated, they should be retracted and substituted by a direct notification to deliver, without discussion, a sum of 4,500*l.*, and to deliver it with interest if there was delay.

Moreover, to recover interest, should there be delay, supposes that the payment may be deferred. To fix a reasonable term for giving a reply, it would appear, annuls the former.

Although the Government of Her Britannic Majesty now refuses all discussion, and does not admit it, it cannot prevent that of Peru from making manifest its rights in defence of the national jurisdiction, charged to the tribunals, and of the honour and interests of the republic which it is charged to represent with loyalty and good faith.

The Government of Peru, not recognizing in any other the right of imposing upon it the obligation to indemnify, nor that of fixing the amount which for such indemnity it may be desired to designate, nor that of augmenting it in case of delay, without for this purpose having consulted its acquiescence, or determined by agreements of mutual understanding or conciliation, or having exhausted without effect the means of discussion, cannot accept as rules of justice or international right those which are contained in the note of the Honourable Mr. Jerningham.

The undersigned avails himself of this opportunity to renew, &c.

(signed) *José G. Paz Soldan.*

No. 26.

Mr. Jerningham to Señor Paz Soldan.

Lima, 26 January 1863.

The undersigned, &c., has the honour to acknowledge the receipt of the note, dated the 17th instant, of his Excellency Don Gregorio Paz Soldan, Minister for Foreign Affairs of the Republic of Peru, in reply to the formal communication which the undersigned addressed to him by the special order of Her Britannic Majesty's Government on the 8th of the present month, forwarding a demand to the Peruvian Government for the payment of the sum of 4,500 *l.* sterling, in compensation to Captain Thomas Melville White for the ill treatment which he had suffered in Peru at the hands of the Peruvian authorities.

In the note above mentioned his Excellency, after making such comments and observations as he has deemed expedient on the demand of Her Britannic Majesty's Government, which the undersigned was instructed formally to present, endeavours to show that the question regarding Mr. White's compensation ought to be further discussed and ventilated between his Excellency and the British Legation at Lima.

The undersigned, who has read with careful attention his Excellency's communication, begs to have the honour, in reply, to inform him that the instructions which the undersigned brought from England are of that formal and definite character that they do not permit him to discuss the case of Mr. Thomas Melville White with the Peruvian Government. On the contrary, his orders are to present a demand for compensation of the sum of 4,500 *l.* sterling, as already notified to his Excellency on the 8th instant, and to intimate at the same time that Her Majesty's Government, who have carefully examined into the circumstances of the case before assessing the demand, were not prepared to enter into any discussions with a view to bring about a reconsideration of their decision in the matter; and, therefore, such being the case, it would be highly improper on the part of the undersigned to enter on his own account into any discussion with the Peruvian Government, upon a question respecting which the Government who he has the honour to serve have already, and after consulting the law officers of the Crown, and given it mature deliberation, arrived at a final decision.

Under these circumstances, his Excellency must perceive that the only course left open to the British Legation is to adhere to the tenor of the note which the undersigned addressed to the Peruvian Government on the 8th instant, in accordance with the instructions of Her Britannic Majesty's Government, and to request their serious attention to the demand contained therein.

The undersigned has the honor, &c.

(signed) *Wm. Stafford Jerningham.*

No. 27.

Señor Paz Soldan to Mr. Jerningham.

Lima, 27 January 1863.

In a note of yesterday the Chargé d'Affaires of Her Britannic Majesty has been pleased to state to the undersigned, that it is not possible for him to discuss upon the demand, which, by order of his Government, he has presented in favour of the British subject, Melville White, and that the only course left to him is to adhere to the tenor of his note of the 8th instant.

The undersigned has acquainted his Excellency the President with the note of the Honourable Mr. Jerningham. and after meditating upon its contents, his Excellency has considered, that if the orders of the Government of Her Britannic Majesty do not permit the Chargé d'Affaires to discuss upon the demand proposed, they have not on that account closed all recourse to an honourable termination, and, in accordance with the principles of international right, submitting the final decision of this question to the arbitration of a friendly Government. By this measure the principles of justice and of reciprocal considerations between friendly Governments will be carried out.

The arbitration which the undersigned proposes does not in the least prejudice the present question, which, if on the part of his Government it is a manifestation of its loyal proceeding and its sincere desire to settle this question, its acceptance on the part of the Government of Her Majesty will be another solemn proof of its high justification.

The

The Government of Peru proposes a rational and just solution, which cannot be overlooked by Mr. Jerningham, whose responsibility will not be compromised by suspending his proceedings until Her Britannic Majesty shall have been acquainted of the proposition to submit the present question to arbitration, and resolved upon it.

The undersigned has the honour to renew, &c.

(signed) *José G. Paz Soldan.*

No. 28.

NOTE VERBALE.

THE Government of Her Britannic Majesty having been engaged in pressing on the Government of Peru the claim of Mr. Melville White, a British subject, for a pecuniary compensation on account of sufferings and losses caused to him by the acts of Peruvian authorities, the two Governments have agreed that the question as to the right of Mr. Melville White to compensation from the Peruvian Government, as well as the question as to the amount of that compensation, if any should be proved to be due to him, should be referred to the arbitration of a friendly power.

Earl Russell, &c., and M. Sang, &c., have accordingly agreed on the following steps, with a view to bring about a settlement of the matters in question :

1. Earl Russell, on behalf of Her Majesty's Government, and M. Sang, as representing the Government of Peru, will address an invitation to the Government of the Free Hanseatic City of Hamburgh, requesting the Senate to pronounce a decision on the points above stated.

2. Should the Senate undertake this responsibility, Earl Russell will cause a statement of what has passed between the two Governments in this matter, as well as Mr. M. White's own statement of his case, to be laid before the Senate on the part of Her Majesty's Government.

Copies of these documents will likewise be communicated to M. Sang, to enable him to lay before the Senate such observations thereupon, or rejoinder thereto, as he may think necessary in the interest of his Government.

8. M. Sang will cause to be laid before the Senate a statement of the case on behalf of the Peruvian Government, and he will communicate a copy of this document to Her Majesty's Government.

4. The decision of the Senate of Hamburgh, or of the arbitrator, whoever he may be, who may be accepted by the two Governments in case the Senate of Hamburgh should decline this responsibility, shall be considered by both parties as final, and immediate effect shall be given thereto.

(Signatures.)

London, July 1863.

— II. —

ILL-TREATMENT of CAPTAIN MELVILLE WHITE by the PERUVIAN AUTHORITIES.

CASE submitted by the PERUVIAN GOVERNMENT.

MEMORIAL presented on the part of the Government of *Peru* to the Senate of the Free Hanseatic City of *Hamburgh*, in the Dispute with the Government of Her Britannic Majesty respecting a Pecuniary Compensation demanded for the British subject Captain *Melville White*.

(Translation from the Spanish.)

Sir,

I HAVE the high honour, in fulfilment of the duty imposed on me by Article III. of the Convention made on the 1st ultimo, of explaining the case, and endeavouring to prove the right of the Government of Peru, in the dispute raised by the Government of Her Britannic Majesty, and submitted to your Excellency's arbitration, on the question that a pecuniary compensation be made to Her Majesty's subject, Captain Melville White, on account of a criminal prosecution against him at Lima in 1861, on a charge of attempted homicide on the person of the Most Illustrious the Señor Grand Marshal Liberator Don Ramon Castilla, at that time President of the Republic.

The inflexible necessity of the defence will oblige me to repeat what was brought to light in the proceedings against Captain Melville White. The witnesses shall speak, and they will show its character.

On the 25th of July 1860, at 7 o'clock in the evening, as the President Don Ramon Castilla was going to the palace, when he had reached one of the corners or avenues of the principal square of Lima, he was wounded in the left arm by a pistol-shot fired at him by a man on horseback, whose face was covered with a "bufanda."

The assailant, throwing away the weapon, fled immediately, and could not be apprehended.

Proceedings, in consequence, were begun and continued until March 1861, and numerous inquiries were made during this long space of time, without producing the least information that could lead to the discovery of the delinquent.

It was then that the Commander-in-Chief of the Navy sent to the Minister of Government a despatch, dated the 23d of the said March, apprising him that the captain of the port of Arica had advised him that in consequence of information from Don Manuel Romero, commander of the guard at that port, that in the steamer "Bolivia," which was starting for Callao, there was an individual who, according to a formal imputation, was the assassin of General Castilla, he had sent an officer to take the said individual in charge until his arrival at Callao, where he was to deliver him to the first authority that should come on board. The Commander-in-chief of the Navy concluded his despatch by stating, that the name of the individual alluded to was Thomas Melville White, that he was a native of Ireland, had been arrested on shore, and was confined in the arsenal.

The proceedings which, at the instance of the Attorney General, were about to be closed as fruitless two days before the receipt of this despatch, could not fail to continue their legal course upon the very important revelation which it contained; and thus it is seen that they were opened under a new face with the instructive declaration of White, charged as a conspirator and assassin.

Captain Melville White says, in his declaration, that he is an Englishman, unmarried, a sailor, and 30 years of age; that he had come from Valparaiso, and was going to Callao, on his way to Guayaquil; that he had come to America a year ago, and direct to Peru; that he had been ship's captain in Europe and Asia, had travelled in those parts of the globe, honourably gaining a fortune by his labours, and spending, in travelling for his own pleasure, both that fortune and some money received from his countrymen, especially from the English Minister residing in Peru; that in the year 1860 he had been three or four times in Lima; that his travels in America had been confined to the Republics of Ecuador, Peru, Chili, and Bolivia; that he had a slight acquaintance with General Echenique, and had conversed with him two or three times about his travels; that in the beginning of June 1860 he went to Peru, and afterwards to Ecuador; that on the few occasions that he had spoken of the pistol-shot, now the subject of trial, he had strongly repudiated it as the act of a cowardly hand; that he was not in Lima when this event took place, and the news of it reached him at Tacna; and, finally, that he had been arrested twice, once at Callao, by order of the police, for carnival amusements, and again in Bolivia, for 10 or 12 days, because the President Linares believed him to be a secret agent of General Castilla or of General Belzu.

Thus, before any witness was examined, there escaped from Captain White's own lips an ominous declaration for himself, that he had been looked upon in Bolivia by President Linares as a secret agent of General Castilla or of General Belzu; and this declaration coincided with the denunciation that he was implicated in the attempted assassination of the President.

It is now time to examine the grounds of this denunciation.

The commander of the guard at Arica, Don Manuel Francisco Romero, was present in the December of the previous year at a party at Tacna, given by Donna Mercedes de Dorra, at her hotel in that town. The Doctor Don Manuel Reyes, a Bolivian, there introduced him to a foreigner, from whom he learned that Captain White, in conjunction with General Echenique, was a determined conspirator against the tranquillity of Peru. The facts which the stranger communicated as the grounds of the charge against Captain White were the following:—

In the month of May or June of the same year, 1860, Captain White was lodging at Corocoro, a village of Bolivia, in the house of Don Pedro Caro, an Argentine, and friend of General Echenique; he came there from Peru without
any

any means whatever ; he stayed there a few days, and then set out for Caracato, where the said General was, the foreigner in question having furnished him with from 10 to 15 dollars, because no one was willing to give him money for his journey.

From Caracato White returned to Corocoro, about eight days after leaving that place, bringing a note for 60 dollars drawn in his favour by General Echenique upon Caro, if the said foreigner, who saw the note, remembered rightly.

From Corocoro White returned to Caracato, and from thence he went to La Paz, where he had free entry into the palace, and was well thought of by President Linares, who gave him a note for 500 dollars, which the stranger did not see, but Mr. Ferr, an Englishman living at Caracato, gave White 50 dollars on sight of it, at Corocoro (because he was about to return at that point on the road to Peru), and which White paid at Tacna to the agent of Ferr.

The last time that White was at Corocoro, he had at Caro's house a private party at night, which was kept up with liquor till dawn of the next day, and there they drank to the fall of General Castilla, and that General Echenique might immediately govern the Republic without the necessity of a revolution, but by a strange event that would happen in Peru, and such as had never been seen ; for the disappearance of Castilla and the government of Echenique would be all the same thing.

These facts, and especially the last, caused the commander of the guard, Romero, to fix his attention on Captain White, to collect information concerning the points to which he was travelling, and not to lose sight of him on his way, although he did not know him personally ; and those facts being corroborated by the discovery which he made, that the journeys of Captain White were to Bolivia and Chili, republics where General Echenique had been successively received, and by his appearance with the said General in the port of Arica on board the steamer "Bolivia," which was bound for Callao, he was induced to denounce Captain White as a conspirator, and as the presumed actor or accomplice in the crime of July ; whence the proceedings against him, and his consequent apprehension.

The exactitude of what Romero asserts in his declaration is proved by that of the foreigner who has been referred to.

This foreigner is Mr. David Douglas, a native of Scotland, then residing in the province of Arica, and previously in Bolivia, 60 years of age, a widower, and by trade a miner ; and he states on oath that he knows the commander of the guard, Romero, and that the first time he saw him was at the Dorra Hotel at Tacna, at the end of the year 1860 ; that it is true that he had an interview with him at the said hotel ; that it is true that he told him then that he believed White to be a partizan of General Echenique against General Castilla ; that he made acquaintance with Captain White, in the month of April 1860, at the house of Mr. Thomas Pearson, in the neighbourhood of Corocoro, and saw him afterwards several times with Don Pedro Caro of the same neighbourhood ; that in the house of the said Caro he heard Captain White speak evil against General Castilla, desiring his fall from power, as well as the rise of General Echenique, in which desire Caro participated ; that in the house of this man there was, in the year 1860, a meeting, at which they drank to the fall of General Castilla, and that General Echenique might govern the country, upon a strange event happening in Peru, without the necessity of a revolution ; and he added that this deponent said to Caro, "that he did not like the man" (alluding to Captain White), to which Caro replied, "This man is going to make a stroke in Peru" ; that this revelation was made by Caro at his house in the month of May last, at a meeting at which there were some three persons, of whom he only remembers Don Emeterio Maldonado, residing in the Chacarilla of Bolivia ; that when the said meeting took place White was at Corocoro in a poor condition, since none of his countrymen, himself included, thought well of him, because he mixed himself up with revolutions in a foreign country ; that White left Corocoro for Lima with Daniel Roberto as travelling companion, who told him that White had staid in the Portada in Don Luis Blondel's mine, of the Tacna trade, and went from thence to the Cerro de Pasco, three weeks after he came to the Portada ; that when he became acquainted with White at Pearson's house at Corocoro he had just arrived from Lima ; then after four or five days' stay at Corocoro he went to Caracato, where General Echenique was, the deponent giving him 10 dollars for his journey ; he returned from Caracato, bringing a

note for 80 dollars drawn by General Echenique, but does not remember upon whom; afterwards he went back to Caracato; from thence he went to La Paz, coming to Corocoro with a note for 500 dollars, and at last he departed for Peru in the month and with the person stated; that, White having shown him the note for 500 dollars, he saw that it was drawn by General Echenique, but does not remember the house that was to give the money at Tacna, but thinks it was Gonzales Velez, because White asked him what kind of a house it was, and the deponent answered a very good one; that he saw the said note by reason of White having shown it when he had taken a horse for his journey on credit from a friend of the deponent, telling him that he would pay for it at Tacna, as well as the value of a band which he bought of Daniel Roberto for 17 dollars; that Don Emeterio Maldonado told him in the Chacarilla that he believed White was the assassin of the President, because after the occurrence he arrived at La Paz, passing by Nasacara, where he met with him; that he does not know of White having any occupation; and that he knew the President, General Castilla, at Cochabamba, afterwards of Yugavi, and lodged him in his house, from which relation he had exchanged many letters; but that he has no acquaintance with General Echenique, and only knows him by sight.

This declaration is important for the revelations it includes; it is most trustworthy, from the person who makes it. Mr. David Douglas is a foreigner, 60 years of age, laborious, thrifty, who does not appear to be a great enemy of the accused, nor has he been called in question on any account. He has resided in Bolivia and Peru. He proves his words, and gives a reason for every one of the facts which he states.

Numerous, most vehement, and independent of each other are, then, the signs which the said declaration urges against Captain White, giving credibility to the machinations of which he is accused.

Your Excellency knows very well that machinations of this kind, clandestine by their nature, are always difficult of complete proof. In the rarest instances can they be brought into a degree of palpable evidence. The nice precaution with which the plans are combined, the secrecy which all concerned in them promise to preserve, to the strict observance of which they are constrained by the love of self-preservation, usually frustrate all the measures provided by the law and all the sagacity employed by the magistrates for their discovery. On account of this extreme difficulty of proof, no less than the immense importance of the crime, "the Statute of Treasons," says the illustrious Judge Foster, cited by one of the annotators of the no-less illustrious Blackstone, "retains, with much propriety, the rule *voluntas pro facto*, and the law considers the perverse imaginations of the heart in the same degree of criminality as if they had been put into actual execution, from the moment that it appears that means have been taken to make them effective."

Let us continue the examination of the proceedings.

All the references made by Romero and Douglas which could be verified confirm the truth of his assertions. Thus it is seen that Donna Mercedes de Dorra confirms the statement of Romero, referring to the party given by her at her hotel at Tacna, and at which Romero and Douglas met; that Dr. Don Manuel Eusebio Reyes confirms the statement of Romero as to his introduction of the same Romero to Douglas at the said party; and that Don Luis Armando Blondel confirms the statement of Douglas concerning the employment which Captain White had had in his mine of Huailillas.

This evidence is sufficient to demonstrate that the facts set forth with the manifest force of conviction by Romero and Douglas, to whom he refers, could not be the creations of fancy. Moreover, there are many others, which induce a most vehement presumption that there was no want of foundation for the charge against Captain White, that he was engaged in the disgraceful employment of an agent of conspiracies. As such he is characterised by the President of Bolivia, Linares; as such Douglas denounces him; and as such he is designated by Don Calixto Peralta. Such is he testified by his continued and causeless journeys to Bolivia and Chili; such is he shown by his appearance at Callao in the steamer on board of which was General Echenique; and of such he is accused, both by the abstraction which he maintained during his voyages in the steamers, from all conversation or intercourse with the passengers, and by the different garb in which he appeared, with the evident intention, as it seems, of disguising himself, and his not being known of any business or occupation. In

one word, that same identical judgment, now involved in reticences and ambiguities, now explicitly expressed, but always giving the idea of the unfortunate man he is considered to be by all.

One of the witnesses says, "that the judgment he has formed of him is that which could be formed of a man who has no known occupation or employment"; another, "that he considered him as suspected and complicated in the politics of Bolivia, since he had observed that he frequently disguised himself, appearing sometimes with a close beard, sometimes with moustaches, and sometimes with only a tuft, and because he made repeated journeys to Peru and Bolivia without having any known occupation; . . . and that he was an agent of General Belzu, who told him so himself the last time he was passing through Tacna"; another, "that he did not like him"; another, "that he is a bad man"; and, in fine, he who judged him most favourably, "seeing him wandering about without any fixed object or apparent occupation, and without the necessary resources for making the frequent journeys which he undertook from Valparaiso to Arica, and from these ports into the interior and to the north," called him, with reason, a "mysterious" man.

Yes, mysterious he must appear, truly, in South America, where an exuberant and unworked soil invites the intelligent activity of the European. A young man of 30 years, in vigorous strength, overflowing with life, belonging to the energetic Anglo-Saxon race, endowed with aptitudes, possessed of knowledge, acquainted with the world and with men, and consequently a just appreciator of the value of time, wasting his own in causeless excursions to Bolivia and to Chili, and without being able to justify the motive of his ceaseless agitation by assigning to it an honest object, when probity does not hide itself and when honourable labour lives and makes parade of its useful manifestations.

Then, the profound mystery which enveloped him at that time became even more dense during his trial. On the one part, the declarations of the said witnesses Caro, Ferr, Pearson, and Maldonado had not been received, because the judicial despatches which were issued in due time had not arrived from Bolivia, and they were waited for a long time in vain, which caused an inevitable delay in concluding the case; on the other, Captain Melville White disrespectfully raised his voice to show a scandalous contempt for the trial which was going on, and to threaten Peru with the heavy indemnification that was going to be demanded in his favour, to insult and defy the judge, and to attribute unworthy proceedings to the Supreme Government. When the summary had been read to him, his statement taken, and the charges made against him, he entrenched himself as in a fortress in the most obstinate silence.

What is the meaning of this silence?

What does it mean, that, having the reputation of a more than common knowledge of the Spanish language, and considering the propriety and precision with which he answered the questions put to him in the preliminary examination, that he should request on the same day that interpreters might be granted to him, alleging ignorance of a language in which he had so readily and unembarrassedly expressed himself?

What does it mean that, when serious accusations were thundered against him, accusations affecting his honour, he was silent, and did not contradict or confound his accusers?

In the conscience of every impartial man who reads the proceedings is written what this means.

It is written also in the judgment pronounced on the ultimate appeal by the Supreme Court.

In that judgment, Captain Melville White is not absolved from the charge which was brought against him of being a conspirator, and which is one of those upon which he was tried; he is not declared innocent of this charge, nor free from fault; the criminal prosecution brought against him is not disapproved, nor is his apprehension blamed; but he is simply freed from the action of the law, and he is subjected to the vigilance of the police; thereby leaving the trial open, so that it may be continued if fresh evidence or proof should occur.

If the result of the proceedings had not been such as to induce, in the minds of the judges, the most strong presumption that Captain White could not but be what the numerous witnesses said he was, granting that he had done nothing to exculpate himself from what was brought against him; if his vagrancy had not been fully proved, the sentence which the first Court of the nation would have

pronounced had been different ; a definitive absolution, or, what is the same, the public declaration of the innocence of Captain White would have been the end of the proceedings. When no such declaration has been obtained, the accused, whoever he may be, has no right to say, "I am innocent of the charges brought against me."

The Government of Peru has seen, with deep regret, that, in spite of this, the Government of Her Britannic Majesty has thought fit to interpose a diplomatic demand of 4,500 *l.* in favour of Captain Melville White; a demand which the Government could not consent to comply with, not on account of the sum of money which it involves, but in the maintenance of its inalienable rights of sovereignty, and in obedience to the dictates of honour which could not be neglected without disgrace.

It was necessary that Captain Melville White, who was denounced as a conspirator, and as the suspected actor or accomplice in the attempted assassination of the President, should be tried according to the laws ; and if the result of the trial has been that he is not acquitted of one of those charges, and that, on the contrary, there are abundant and strong presumptions against him, just and equitable in the extreme is the judgment which, without declaring him innocent, absolves him from the action of the law, subjecting him to the vigilance of the police.

This sentence is perfused with the declaration that there was cause for the trial of Captain White, and that the charge brought against him of being a conspirator has not been annihilated, is not dead ; it exists, and on the day that brings to light new facts or proofs for its complete verification, the Peruvian authorities will have the unquestionable right of ordering that the trial be re-opened.

To deny this right would be to disallow the highest attribute of an independent nation, whose acts of jurisdiction over the foreigners who reside therein, if they be in conformity with its own laws, ought to be respected by other nations.

If, then, in the case under examination, there has not been on the part of the Peruvian authorities the slightest infraction of the laws ; if the trial to which it was necessary that Captain White should be brought has been carried on in the regular course, and has gone from tribunal to tribunal, from the Court of First Action to the Supreme Court of Justice ; if no rigorous measure unnecessary for his safe custody has been employed against the person of the accused ; if the allowance was granted to him which is appointed for political prisoners, and if he refused to receive it ; if he has been treated with extreme indulgence, even when he took upon himself to outrage the authorities, not excepting the chief of them ; if the entire abstraction of this at the trial, in conformity with the principle of the Constitution which consecrates the independence of the three Powers, publishes the same result as the said trial ; if the greater part of the witnesses were foreigners, in whom it ought naturally to be supposed that there would be more sympathy with than animosity against Captain White ; if the Supreme Court, in order to ensure the most scrupulous impartiality in the judge, ordered that the hearing of the case should be transferred to another judge, when Captain White insulted and defied the one who was hearing it ; if all the latitude which the laws allow was given to the defence ; and, finally, if, although there have not been for the condemnation of Captain White to a punishment those proofs which, according to the words of the law, ought to be "as clear as light," no more have there been proofs clear as light for his definitive absolution ; there has not been in the proceedings analysed the least shade of deviation from the precepts of justice, nor the slightest vestige of offence to Captain White. He has been accused and arrested, but it is certainly not to the authorities of Peru that he can reasonably impute his misfortune.

In Peru there is a generally rooted conviction that the restrictions and disadvantages to which foreigners are subjected by the laws of some countries are quite opposed to the increase of the population and the development of industry ; and that the nations which have made most progress in commerce and in the peaceful arts of civilisation, and have elevated themselves most in the scale of riches and power, are just those which have treated foreigners with the most kindness and liberality.

This conviction is found shaped in the political Constitution and in the Commercial Regulations ; it inspires the Treaties which are concluded with other nations, and pervades all the customs and manifestations of civil life. In Peru the exercise of all lawful employment is equally open to the sons of the soil and

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to foreigners ; landed property is as accessible to one as to the other ; and I dare assert, with just pride, invoking the testimony of the honoured foreigners who visit my country, that it is one of the most hospitable lands on the face of the earth.

But that country, like all new ones, is not yet, unfortunately, quite settled or established. With the weakness of infancy it is passing through the laborious and severe apprenticeship of the life of nations. Thence the most imperious duty of foreigners to observe strictly the principle of neutrality imposed on them by the law of nations ; and thence the grievous necessity for the Government to proceed sometimes against those who infringe it. Or ought it, perchance, to abdicate authority and disarm the law, when a foreigner casts himself into the evil way of the abettors of revolt, and attempts nothing less than to scatter the elements of public peace, to unloose the bonds of society, and to light up a general conflagration ?

The Government of Peru being convinced, then, that the magistrates of the judicial power have not overstepped the bounds of their duties, nor offered any offence to Captain White, has declined to grant the indemnification demanded ; and desiring at the same time to retain intact, in spite of this difference of opinion, the very valuable friendship of the Government of Her Britannic Majesty, has proposed to it to submit to the arbitration of a friendly Government the decision of the point whether it has a right to require any indemnification for the proceedings against Captain Melville White ; and if it has, what should be the amount of the said indemnification ?

The Government of Her Majesty has thought proper to agree to this step. Your Excellency, on account of the deserved confidence which your exalted probity and enlightenment inspire, has been chosen arbitrator, and has been pleased to accept the office ; and I consider myself especially honoured in presenting to your Excellency a complete copy of the proceedings, and another of the Convention with the Government of Her Britannic Majesty. And I conclude this memorial by soliciting the indulgence of your Excellency for the unavoidable length to which this labour has extended, begging that your Excellency will condescend to supply the great deficiency which, in spite of its length, cannot fail to be perceived, and awaiting a decision which will be respected by my Government as an oracle of justice.

(signed) *Mariano Jose Sanz.*

Brighton, September 24, 1863.

— III. —

HER BRITANNIC MAJESTY'S GOVERNMENT, and the GOVERNMENT OF PERU.

THE CLAIMS OF CAPTAIN MELVILLE WHITE.

STATEMENT on behalf of the CLAIMANT.

As the Peruvian Government have had the temerity to charge claimant with being a "Rogue, vagabond, and assassin, without occupation," and have punished him accordingly by perpetual banishment from Peru, although they admit in their "*expediente*" (process) that he held the rank of Captain in the Navy, it becomes the duty of claimant, even at the risk of the imputation of egotism, to give a brief outline of his history and early career, in order to enable the arbitrator to duly estimate such assertions of the Peruvian Government.

Claimant was born in the county of Sligo, Ireland, and is the youngest son of John White, of Carlow (Professor of Mathematics), and Elizabeth MacLaughlin of Tyrone, cousin of the Right Reverend Dr. MacLaughlin.

Whilst a child he emigrated with his family to Canada, where he soon became the manager of an extensive marine establishment. He had been educated for

either the church or bar. After his father's death, however, he removed to the United States, and entered under the distinguished and powerful patronage of Messrs. J. E. Thayer & Brother, leading bankers at Boston, United States, the counting-house of Messrs. Dana & Co. (opulent merchants, at Boston), for the purpose of completing his mercantile education.

After he had concluded his commercial studies, he made a voyage to Brazil and the countries bordering on the Rio de la Plata, in order more intimately to analyse the important commercial resources of those countries. Having terminated his travels and researches, he embarked at Buenos Ayres, and returned to the United States, with a greater fancy for the sea and the Pampas than commercial pursuits, which was no doubt induced by his previous study of nautical astronomy under his father. He afterwards went to India, and served second in command of the ships "Salamanca," "Shah Allum," "Shaw Allum," "Arratoon Apear," "Ellen," and "Atiet-Rohoman;" but he soon had the honour to be appointed to the command of the ship "Fazel-Currim." He passed all his nautical examinations with success (including one for the Bengal Marine),* in conformity with the laws of the late Honourable East India Company.

While at one time proceeding through Torres Strait from the Westward, *via* Rains Island, he rescued from watery graves between 40 and 50 shipwrecked sailors belonging to the opium clipper "Island Queen," owned by the wealthy and very influential house of Messrs. Dent & Co., Hong Kong. Half an hour after he had picked them up, the boat in which they had been packed, and which leaked like a basket, foundered alongside.

Having arrived on one occasion with his ship at Aden, he found that it required the incessant and watchful care of the officer commanding the garrison (Brigadier Coghlan) to prevent neighbouring tribes from committing serious depredations against the colonists, and that his exertions to communicate with the late Honourable Company's fleet in the Red Sea had for a considerable time proved unavailing. Under such circumstances, claimant volunteered his services, and the Brigadier confided to him his despatches. He proceeded to Ras-Mejambla, where it was officially reported to him that the senior naval officer, Captain J. J. Frushard (late officiating Commodore of H. M. Indian Navy), was with his ship "Elphinstone" off Hodeidah, protecting that city against a force of several thousand Bedouins, by whom the place was closely beleagured and hourly threatened with storm.

He delivered to Captain Frushard the despatches, and became, whilst there, the guest of that officer. The Pasha furnished claimant with a numerous cavalry escort, who, after they had safely gained the open country, and encountered a numerous foraging party of the enemy, wheeled their horses' heads round to the city, and disappeared as if by magic, leaving claimant to ride for his life through a country but very imperfectly known to him, followed by the enemy; but as he was well mounted, he soon distanced his pursuers. About nine o'clock, p.m., (dark), he arrived at the beach in front of his vessel, and hearing the whooping and hallooing of Arabs all round, he was afraid to "hail," but as a precaution waded up to his saddle-skirts in the sea, and so remained until daylight, when he was taken on board.

During an extensive cruise which claimant made with his ship in the Red Sea, the French and British consuls at Juddah, being claimant's guests on board, proceeded ashore about sunset. On the quay there was a crowd of Arabs collected, who, the moment his party disembarked, closed in around his two companions, and, spitting into their faces, cried out, "Away with the Christian dogs! They want to trample the people of the Prophet under foot!"

The janizaries told claimant they feared a revolution had taken place within the city, and that the consuls would not be able to appease their assailants, or make good their retreat.

Claimant had to proceed to their rescue with two well-manned and well-armed boats, and very soon succeeded in releasing the two justly frightened officials, and conducting them in safety to their consulates.

Warmly

* This included an examination in Hindostanee.

Warmly supported by his friend, the young Scheriette, he succeeded in capturing the ringleaders of these disorders and bringing them to punishment.

He afterwards proceeded to Calcutta, *en route* to Europe, with a view of making a tour of the Continent, and became second in command of the Indiaman "Octavia," and had the good fortune to be enabled to render assistance to the famishing crew of a Portuguese vessel, when they were about four days' sail to the eastward of Cape Town, in discharging which duty he got sorely wounded. He left his ship in a boisterous sea during a "lull" of a tremendous gale, in a lifeboat manned by volunteers, to assist the unfortunate sufferers. He conveyed provisions, &c., aboard the wreck by means of heaving lines, as he could not approach close to her without exposing his gallant men to certain destruction. He jumped overboard hitched to one of the lines, and was hauled up on to the deck of the luckless ship, in order to give motion and rate to the only chronometer which she carried. He then returned to his own ship.

He reached London in April. After a short stay, he proceeded on a tour through the north of Germany, with the intention of extending it to Russia. During a short halt which he made at Hamburg, he heard, for the first time, of the late mutiny in India, and some of its early heartrending consequences, and immediately resolved upon proceeding thither; and he accordingly started as a volunteer, at his own expense, and, on his arrival in Bengal, was placed in command of the Naval Brigade, and the different services he then rendered it is unnecessary now to refer to.

Previous to the final termination of the mutiny, claimant was attacked with liver-complaint, and being obliged to return to Europe, was ordered to travel, and proceeded to, amongst other places, the West Indies. While there he accepted a lucrative appointment as civil engineer on extensive public works. Before those works were finished, intelligence reached him of the war then being waged on the Rio Grande del Norte, between citizens of Mexico and of the United States. He immediately embarked for New Orleans, thence to Brownsville, to take charge of artillery on the side of the Texans.

Having occupied this post for some time, and seeing no prospect of any further fighting, he returned to New Orleans and announced the cessation of hostilities.

He next visited the South American countries in the Pacific, and travelled extensively in Chili. He then crossed the Cordilleras, and made long journeys in Bolivia. During his travels in Chili, he was informed that the Government of Peru were endeavouring to organise an expedition to explore the River Amazon and the wilds along its banks. With a view of joining this expedition, and taking command of it, he proceeded to Lima. While there, he obtained introductions to persons of distinction in Peru, New Grenada, and Ecuador. He proceeded to the latter place, and arrived there just about the time that the "Tumbes" and "Guisse" (Peruvian ships of war then moored off Guayaquil) opened fire on the patriotic army of Ecuador, commanded by General Flores, and shot the men down while they were effecting the passage of the Salado up to their waists in water.

He was shocked on learning this act of the Peruvian naval forces, in a friendly port, against a people of equal rank, and with whom the Peruvian Government professed to be in close friendly relation; and his indignation was great when he learned that, in place of condemning the shocking murders then committed by order of General Castilla, the Peruvian Government, in order to screen the guilt of the author, were heaping compliments on the executioners.

Claimant had at this time most valuable testimonials, which were all stolen from him with his luggage, and which he never recovered.

These documents had been submitted by Colonel The O'Gorman Mahon, after perusal, to, amongst others, General Flores, Commander in Chief of the Army of Ecuador, and they obtained for claimant a flattering reception from his Excellency the Jefe Supremo Don G. Garcia Moreno, who honoured claimant with the commission of Post Captain.

For the present, the Government having resolved to steer clear of every possible pretext for dispute, and to devote itself to the development of the resources of the country, claimant was instructed to direct his attention to the investigation

and study of certain plans and propositions, embracing the construction of public roads of considerable extent, and a scheme of immigration on a large scale, with the view to undertake their execution as Government Contractor, at a fixed yearly salary of 12,000 dollars, for travelling and ordinary expenses incidental to the general supervision of the engineering and other departments, apart from the large customary emoluments arising from the various contracts, which were to be under his direction.

The advantages to accrue to him from the execution of these important works were brilliant in the extreme; and he accordingly proceeded to the South to make the necessary inquiries and calculations to enable him without delay to report to the Ecuadorian Government, and commence the works, and he left Valparaiso with positive data that these contracts would secure to him a splendid fortune. He was on his way to Guayaquil, for the purpose of commencing the works; but, alas! all his hopes, plans, and expectations of wealth just within his grasp, were abruptly blighted, frustrated, and destroyed, by an act of arbitrary tyranny unsurpassed in atrocity by that of any Oriental despot—for the Orientals, when they descend to cruelty, never fail to assign a motive; but in Peru, claimant was seized and thrown into pestilential dungeons, to associate with murderers, and others, the most profligate, vile, and abandoned of the criminal classes, and detained there for nearly ten months, and subjected to treatment, the thought of which makes even now his blood run cold, his heart sick, and his mind diseased, in ignorance of the nature of the abominable charge on which he was seized, in open and studied violation of all laws, divine and human, especially the Peruvian law.

CLAIMANT'S SEIZURE, IMPRISONMENT, and SUBSEQUENT TREATMENT.

On Saturday, the 23d of March 1861, about seven o'clock, a.m., as claimant stepped on the mole of Callao (where he landed in order to wait the departure of another steamer for Guayaquil), he was suddenly seized by a negro soldier of the Peruvian Government. The soldier gripped him by the throat with his left hand, and holding the point of his naked bayonet pressed to claimant's breast with his right, told him that "If he made any attempt to move or speak he would kill him." He thus held him until a man, who turned out to be a spy sent from Arica, by the Peruvian Government, to watch claimant, and who had come ashore in the same boat with him from the steamer, accompanied by another dressed in a sort of naval uniform, and two soldiers (negroes) joined them. The spy who had come ashore with claimant said to the soldier who was still grasping his throat, "That will do," on which he released his hold and withdrew the bayonet from his breast. The official in uniform then ordered claimant to follow him, but claimant's bewilderment at the manner in which he had just been treated, and the exhaustion and pain consequent upon the pressure on his throat, rendered him incapable of obeying the command, whereon the soldiers who had come with him struck claimant several severe blows in the back with the butt-ends of their muskets, and pushed him forward in a staggering state. The choking which he underwent from the soldier deprived claimant for some minutes of power to articulate, but when he recovered the use of his speech he asked the person in uniform "Why he was being treated in such a manner." He replied by commanding claimant to keep silent, and ordered his men to drive him on. Claimant told him that he was a British subject, produced his passport, inquired if he had infringed any law of the country, and, if so, begged to be informed what his offence was, and required him to show his authority for seizing him, and subjecting him to such brutal outrage. The official replied that he would show claimant too much authority; then, making a gesture to the soldiers, they pierced and wounded claimant in several places in the thighs with their bayonets, on which the official added, tauntingly, "Well, you know my authority now, don't you? God damn you and your passport!"

The severe pain caused by the bayonets made claimant spring forward some distance; then, turning to the official, he again loudly demanded to know why he, a stranger, who had not offended against any person or any law, should be outraged in such a manner, and also what he further meant to do with him. He protested, as a subject of Her Britannic Majesty, against being driven as a beast through the most public part of the town, without being shown a warrant

or any other written authority, for depriving him of his liberty. A heavy blow on claimant's head with the butt of a musket, which stunned him, prevented him from hearing the reply, if any; and two soldiers seizing him, one by the collar, the other by the breast of his coat, pulled and hurried him onward, almost insensible, an abusive mob following.

Thus was claimant dragged into a yard where several officers and soldiers were assembled, and was at once thrust violently on the floor of a little wooden box, in which he was kept about half an hour. When partially recovered from the stunning effects of the last blow, blood was found gushing from a deep cut in his head. A guard of four or five soldiers was placed over him, one of whom kept claimant's arms tightly pinioned behind his back. He felt very faint, and asked for a drink of water; on which another of the guards, with a curse, ordered him to be silent, and then struck him violently in the mouth, with his clenched fist, knocking him down. Claimant remained lying on the floor for about a quarter of an hour, when his keepers ordered him to stand up; but not having strength to do so, he was pulled out into the yard, where he found the official who had brought him from the quay, and a guard of soldiers drawn up in line. They marched claimant back through *Calle de Comercio* (Commercial-street), between a party of soldiers in parade order formed in two lines (a sergeant holding him by the coat), through some rooms and passages up to the door of a black hole in the arsenal, into which an officer, with drawn sword, ordered him to enter. He had kept totally silent since he had been knocked down, but upon seeing the disgusting place into which he was about to be forced, he repeated his remonstrances and protests, and besought this officer not to insist on his compliance with the order. He turned away from claimant, saying to the soldiers, "*Adelante!*" (forward), when the guards, instantly bringing their bayonets to the charge, thrust him, after inflicting several severe wounds and tearing his clothes, into the dungeon, about 10 feet square, and then locked the door. He was in total darkness and without air, except what was admitted through the keyhole. The floor was covered with human excrement and urine. In each corner there was a heap of putrid matter, and the stench of the place was such as could not long be endured by human beings, especially by one who had been brought up as claimant had been; while the heat (March is one of the hottest months in Lima) was stifling. The filth had not been cleared away for months. There was not a single article of furniture in the dreadful place.

A few minutes after he was locked up, he was seized with violent pains and dizziness in the head, and was obliged to clean away, with his vest, the excrement and urine with which the floor was covered before he could lie down, and had to turn his coat and trousers into a bed, to escape from the moisture and some of the pestilential vapours which he felt were overpowering him. He remained in this condition about seven hours, creeping from time to time through all the filth of the floor to the keyhole, to breathe and implore the sentries to allow him a little water to quench his burning thirst, which was denied him. The sentries, on discovering that he was breathing air through the keyhole, prevented his doing so by constantly thrusting sticks, knives, and the points of their bayonets through it, lacerating his parched lips and mouth. Claimant was borne from this dungeon (for he was unable to walk without support) to a cell nearly opposite, about three o'clock p.m. on the same day, and, having again asked for a drink of water while being removed, a corporal told him "Not to make him angry, or he would give him that," thrusting his bayonet in claimant's face, which he said claimant "would be sure to get as soon as the General came." This fresh place of confinement consisted of four bare walls. At 6 o'clock p.m. two officers came to claimant and ordered him to rise up, saying, "You are going on an excursion to Lima." One of the officers brought him paper, pen, and ink, and desired him to write down his name and nationality, which claimant did instantly. A long conversation, in a whisper, ensued between one of the officers, who had told claimant he was going to Lima, and another; the former said to the latter in a loud voice, "No, you need not put the manacles on him; we are sufficient for him; I don't want your guard. If he were the devil himself, instead of a mere assassin, we would not be afraid of him." The officers then led claimant between them to the railway station, and they proceeded by train to Lima, and went to the *Préfecture*, followed by a mob. They reached the *Préfecture* about sunset. Claimant had not broken his fast

since dinner-hour the previous day on board the steamer, and feeling almost totally exhausted from the effects of the violence of which he had been made the subject, and the deprivation of food and drink, he requested the Préfect to allow him to send for a little wine and biscuit. This request having been granted, claimant gave to one of the sergeants at the Préfecture a ten-dollar gold piece to buy a bottle of claret and some biscuits, but before he had tasted either, or received his change, he was commanded, by a man in uniform, to follow him;—he at the same time taking possession of claimant's walking-cane, for which he had paid six dollars, observing, "I cannot allow an animal like you to carry such an article of luxury as this."

Claimant was then marched through several streets to the "Prison of the Inquisition," and into the "Capilla" (chapel) of this building, where he was locked up, and a strong guard was posted outside the door. He lay down on the floor, supporting his aching head against the wall, and remained thus until about 10 o'clock p.m., when an official, followed by a guard with fixed bayonets, entered, and ordered claimant to accompany him. This guard marched him through iron-grated doors and filthy alleys, and then into a still more horrible place than he had been imprisoned in before, the bare sight of which thrilled him with horror. The official told the "caporal" to take special charge of him, adding, as he did so, that he was "Un sugeto muy malo y un hombre perdido" (a very bad character and doomed man). "Caporals" are almost invariably condemned murderers and robbers.

The horrible appearance of the den, and the treatment which claimant knew awaited him as the consequence of the words just uttered, sent a thrill of anguish through his soul. He turned to the official and implored him, by everything he held dear on earth and his hopes of future happiness, not to abandon an unoffending gentleman to the wretches by whom they were then surrounded. He answered not a word, but casting claimant violently from him, he fell against the wall, and heard the key grate in the lock of the massive door. Claimant, who had not from his cradle to that moment offended with intent (in thought, word, or deed) man, woman, or child, wept scorching tears while he lay groaning and writhing in mental and bodily agony on the floor.

It was only by degrees he became aware of the full extent of the horrors of that awful place. Several candles placed in bottles were burning in different parts of the dungeon. The prisoners, of the most filthy and degrading character, chiefly in a drunken state, others still drinking "aguardiente" (white rum) from bottles, which they constantly passed from one to another. The major part of them were naked, except about the loins, on which they wore "clouts" or aprons, and were heavily manacled by their legs and wrists. They were reclining in all imaginable positions on the floor, the whole of which was occupied by them, with the exception of the spot where claimant was lying, and that occupied by two "sambullos" (sambullo is a wooden vessel open at the top). These "sambullos" emitted a most envenomed stench, and were, from time to time, used by these wretches for the necessary calls of nature; and their contents, being continually disturbed, materially added to their previous most sickening effects. The only visible ventilator the place contained—as in the case of the black hole in Callao—was the keyhole, some of the consequences of which were painfully visible in the copious streams of steaming perspiration which were gushing from the pores of the naked and shockingly filthy bodies of the criminals. The heat was so intense that claimant became perplexed in wonder and astonishment to think that any human being could survive even one night in so polluted a place.

The drunken inmates, fourteen in number, packed into one dungeon of 10 feet square, swearing and shouting in the most uproarious manner, throwing the empty bottles at each other's heads, cutting all those in their immediate neighbourhood with knives (with which all were provided), the moisture running down the walls, and urine and liquid excrement all over the floor, whilst the fœtid odours that issued from the sambullos and the bodies of the naked prisoners, rendered the place almost unbearable. The danger was imminent of the drunken men succeeding in the efforts which they made to set fire to what they called "La casa de los valientes y felices" (the home of the brave and happy). All this, coupled with the clanking of their chains, their fiend-like appearance, and the overpowering heat, presented a spectacle which struck claimant with horror.

The noxious atmosphere which claimant was then breathing rapidly undermined his mental powers, and the little bodily strength he still possessed. His
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vision became obscured, and his thoughts erratic and confused. His heart felt as though it were being inflated, and his burning brain ached as though it would split. His inner and outer garments were saturated with steaming moisture, and his veins felt as so many streams of lava. A violent ague soon after shook his entire frame; he got on his legs, but they were unable longer to support their burden; he staggered over the prostrate bodies of the criminals to the door of the dungeon, and addressing, through the keyhole, the guards who were conversing outside, he begged of them, "for God's sake," to open the door, if only for a few minutes, and let him get some air and water, or he should be suffocated. Those guards cursed him in the vilest possible manner, and most inhumanly told him to "Die like a dog. They would not give him one drop of water, or allow him to get a mouthful of air."

He had, in staggering towards the door, unavoidably brushed against some of the prostrate drunkards.

Hearing the reply he had just received, these latter rose up, and fiercely assailed him for having, as they stated, "tried to murder them." They loaded him with every conceivable base epithet, and swore that, unless he gave them money for "aguardiente," they would tie him up hand and foot, and lodge a charge against him in the morning before the criminal judge. They lifted him into their midst and commenced searching for money, whereupon he gave them a golden ounce (17 dollars), and some cigars from his "bourse de voyage," which, having been strapped over his shoulder, he still retained. On the receipt of the money and cigars, these villains were immediately appeased; they swore claimant was "a good fellow," asked him for whose murder he had been convicted; and two of the most ferocious-looking and heavily-ironed (apparently leaders of the gang) dragged claimant in between them, swearing at the same time that "he was a damned liberal fellow, and must sleep with them, as they would not see him without a bed." They were lying on the floor in pools of urine and excrement.

Previously he had not spoken a word to any of these convicts, and when he found their chains pressing into his flesh, as he lay helpless, tightly wedged in, although conscious their object was to protect him from the others, yet indescribable pangs of anguish shot through his brain and bosom. He had been thus forced, regardless of his firm remonstrances and protests, and his agonized appeals and supplications, into association with the vilest of the vile, and was now the helpless slave of monsters in human form, whose hands reeked with the blood of scores of victims (one was subsequently pointed out to him who had committed no less, incredible as it may seem in Europe, than 30 murders).* He felt his heart withered and breaking. He could not weep, and so remained where the murderers had fixed him, in an almost total state of stupefaction, until the day was far advanced.

Sunday, March 24.—The first fresh occurrence which his shattered reason enabled him to comprehend was, that two soldiers were supporting him in their arms, while a number of others with fixed bayonets stood around in the dungeon. The criminals had disappeared. Supported in this manner, claimant was led back to the Capilla, where, as on the preceding evening, he was again locked up, and sentries stationed over the door, with strict orders from one of the officials to "Run him through if he uttered a word." The soldiers who had supported him thither laid him on the floor of the chapel, where he remained until the following day, being too feeble to rise up.

Monday, March 25, he fell into a troubled slumber, the first which he was enabled to obtain since the night of the 22d on board the steamer. From this sleep he was violently aroused by a caporal, who, pulling claimant up, held him on his legs, and conducted him to the back part of the chapel, and placed him on a wooden form.

Some time elapsed before he could collect his senses sufficiently to realise the scene before him, in which, as he soon with astonishment and indignation learnt, it had been intended he should enact an important part. The large folding-doors of the chapel were thrown wide open. Inside and across a detachment of troops with arms, and an officer with drawn sword, were formed. A large table strewn with papers, at which sat three persons, stood at the inner extremity of the

* The penalty of death for murder had been abolished, but was subsequently restored.

the chapel where claimant was seated. Near to him two caporals stood in front of and close to the table, and the sota-Alcaide (first assistant-keeper of the prison, late a convict) occupied a stand near the centre of the floor, for the purpose of attending to the summonses of a bell which lay on the table, and conveying to the military the whispered instructions of one of the three persons there seated. These latter were dressed as men in the ordinary pursuits of life, in suits of garments no two articles of which corresponded in colour, in violation of the law.* The man who occupied the middle seat held in his hands, and was poring over, a large package of manuscripts; the one seated on his right hand had all the requisites for writing, including stamped paper, spread out before him; he on the left was looking over the contents of a printed book, which rested on his knees. Claimant was called upon to stand up, and had difficulty and suffered much pain in doing so, and only succeeded by seizing hold of the table, by means of which also claimant was forced to support himself the greater part of the subsequent period, during which he was compelled, by menace of armed force and violent threats, to submit to the inquisitorial ordeal which immediately followed. It was by stealth that he was enabled to write in pencil the details of this and the previous two days' vile treatment to which he had been subjected by the officials of the Government, as a prison official told him that, "If he were discovered speaking or writing, his guards had stringent orders from a high quarter to shoot him down or bayonet him." He received this information from the official in charge of the prison. He, however, succeeded in keeping his pencil-notes.

During the interview which ensued, claimant asked the individual acting as chief inquisitor, and whose authority the others obeyed, who and what he was; why claimant had been seized and so vilely used; if he was accused of any infraction of the laws, in which case he requested to be informed of the nature of the charge, whatever it might be. That up to that moment he was kept ignorant of what he was accused—if anything. He stated that he was engaged solely on his lawful and peaceable business; that he had neither wronged nor injured anyone; that he was a subject of Her Britannic Majesty, under whose flag he had served; that he invoked the protection of that flag against the unmerited outrages to which he had been subjected, and that he protested against the inquisitorial course that was being pursued towards him.

This person declined to say who he was, or mention any charge against claimant,† haughtily observing, that "He did not care for the representatives of claimant's nation, her flag, her Government, or her Queen; that he was superior to them all, and would make claimant feel it; that claimant might as well remonstrate with, and protest to, the walls of the chapel as to him; that he was claimant's sole master, and that he had ordered claimant to be brought there to answer his questions, but not to ask any."

This personage directed, from time to time, the secretary to write on the stamped paper according to his instructions; and then imperiously ordered claimant to subscribe his name at the foot of what had been so written. This he at once declined, observing that, having heard what had been dictated, he knew the document was neither consistent with his statements nor the facts to which they bore reference; that it had not escaped him the inquisitor had given a forced construction and false aspect to plain and unequivocal sentences pronounced by claimant, as all who heard must be well aware, suppressing the comments which, in consequence of its insinuations and suggestions, it had been necessary for claimant to make; in a word, that he might write what he chose, but as that document was not consistent with truth, it could not receive claimant's sanction.

The inquisitor stormed, raged, and bullied;‡ he would be obeyed, and would permit no resistance to his will. He said if claimant longer refused, he should have a taste of the "chicote" (the cowhide strap used for flogging criminals), and then be sent back in irons to the black hole. Suiting the action to the word, he made a signal, and the chicote and manacles were brought in, and placed before claimant with studied parade. Two men proceeded to strip him of his

* The Peruvian law commands the judges to wear official costume.

† The Peruvian law requires both.

‡ The Peruvian law requires the judge to act with decorum and benignity.

his clothes, but all to no purpose ; he remained obdurate. After some whispering to his colleagues, this inquisitor suddenly changed from his course of menace, saying that, before proceeding further, he wished claimant to understand, that what he required was a mere formality which bound claimant to nothing, but was requisite for the sake of regularity in this inquisitor's proceedings ; that he believed the whole affair was the result of mistake ; that if claimant signed, he would order him to comfortable quarters ; that claimant should no longer be kept in secret confinement ; that he should be permitted to take air in the prison yard, and have writing materials at his disposal ; that he hoped they should be good friends, and that if claimant was a friend to himself, he would sign without further delay.

Catching a ray of hope to be able to communicate his miserable position to the representatives of Her Britannic Majesty, claimant replied that, if the inquisitor pledged his honour to perform what he had just promised, he should write his name, but with the distinct proviso, that by doing so, it was not to be supposed he gave his sanction to what the document contained. The inquisitor gave the required pledge, and claimant subscribed his name as commanded. Claimant was about three hours before these inquisitors, and was then allowed to pass into the yard, where he soon learned that his recent inquisitor was no other than the notorious criminal judge Luis Ponce ; that it would be folly on claimant's part to place the slightest reliance on any promises this judge might make, and that claimant ought to lose no time in making his situation known to the representatives of his Government in Lima.

Claimant was looking over a newspaper which one of the political prisoners had given him, when the same gentleman who had afforded him the information and advice just mentioned, came running up to say that fresh orders had been received by the Alcaide (head gaoler) from the Government and judge in reference to claimant, and that a guard of soldiers were coming to again consign him to secret confinement.

But one prospect of procuring assistance now remained, and claimant determined to avail himself of it before the guards could again lock him up. Assisted by one of the prisoners he succeeded in reaching the room of the gentleman who had lent him the journal. Claimant gave him a few hurried instructions, which he promised to fulfil, about addressing a protest against Judge Ponce's infamous conduct, and getting some letters in claimant's name published in the journals, so that his imprisonment might become known. To this end he signed his name on four or five leaves of blank paper, and left 22 dollars to meet expenses. He had barely concluded signing the papers when an officer and four soldiers came rushing into where he was, and the latter, by order of the former, lifted claimant bodily in their arms, and bore him rapidly off into a dungeon fronting the Capilla (this was about 6 o'clock in the evening). A corporal and five soldiers were placed on guard over claimant, and strictly ordered not to allow him to pronounce a word, "not even to Christ," or approach within five feet of the inner side of the doorway. He protested against this fresh brutality to the officer, who told him in reply that "he was acting in conformity with orders from his Government," and that "if he had received orders to shoot claimant he would have done so." The officer went away as soon as he told claimant this, saying to the guard as he was retiring, "Do your duty." The moment this order was uttered, one of them charged claimant with his bayonet, which, penetrating through his coat, entered his flesh close above his left hip, inflicting a deep wound. He had by this time been about 60 hours in prison, suffering as few other men, if any, have ever done, without having received any food or drink, and afraid to speak. He endeavoured by putting his hands to his mouth and making signs of eating and drinking, to intimate that he required food. While he was thus occupied, a prison official rushed into claimant's dungeon with a naked sword in his hand. He waved it about his head, swearing most frightful oaths that he would cut claimant in pieces, like a "son of a bitch," as he expressed it, and kicked claimant severely half a dozen times in his side and back as he lay reclining on one of the heaps of manacles and other irons which the place contained. After this fellow had ceased this kicking, and before he went away from the dungeon, claimant said aloud that he would readily give all the money he had (showing some gold pieces in his extended hand) for a jar of water and some bread. The official ordered claimant to be silent, and said, "He had a mind to chain him at the barra for having presumed to speak."

This officer locked the door of the dungeon, leaving two sentinels, with bayonets fixed, inside; the rest of the guards remained outside close to the door. About 20 minutes might have elapsed from the time claimant had been permitted to take air in the yard until he was borne to his new place of confinement. The keyhole was, as in his previous dungeons, the only means of ventilation. He lay on the heap of irons until morning. The floors and walls were filthy and damp, and the place did not contain any furniture whatsoever. With the exception of the glare produced by lighted matches, which the two inside guards kept constantly flaring about, he remained in darkness until 1 o'clock, p.m., on the 26th March, when the door was opened. The constant sparkling of those matches, and the incessant yellings of the men who used them, together with the responsive howlings of their companions outside, and the disgustingly obscene conversation of the guards and their numerous black female companions, rendered it impossible to procure a moment's repose, although his worn-out body and mind absolutely required it.

During the short time the door remained open, claimant threw on the floor of the dungeon two silver dollars, and pointed to the money, which the soldiers instantly picked up, and then he pointed to his mouth, soon after which the soldiers made signs to him. Acting in conformity with their signals, he approached within about a yard of the doorway; looking forth he distinguished one of the prisoners holding in his hand a plateful of rice, which he stretched out to claimant at arm's length. This was the first time he could by any means obtain any food since his seizure three days previously. He devoured part of the rice ravenously, but his stomach immediately rejected it. On examining the rice which still remained on the plate, he found it to be mixed with human hairs and vermin. He would have died of starvation before putting another grain of that poisonous compound into his mouth. He passed the following night as he had the previous one. The next day (27th March) Judge Ponce came to the dungeon and asked claimant, while a sinister smile played about this judge's countenance, "Well, how do you like the room which I have given you?" Claimant told him that he had violated all the promises which he had made in order to get him to sign a truthless writing, and again asked him, "Now that claimant had signed according to his wishes, to inform him honestly and fully of his reasons for having deluded him." He said, "The cause is nothing. I think you won't require any more apartments than this one." Claimant told him that he could not much longer resist the constant severe torment which he was compelled to suffer, and that "he was dying of starvation," adding that he would freely pay any price, however exorbitant, which might be demanded for some nutritious food and water, and begged of this judge not to longer inhumanly persist in withholding them from him.

This judge's answers to this supplication were: "There are several other things which you must do for me, and you are not yet in the right condition for doing them. I will consider your application to me for food another time, and see if anything can be done for you; but at present I cannot permit you to get anything. Cheer up, friend (*Buen animo, amigo*), all will soon be over between us." He then left the dungeon, laughing heartily.

Claimant did not see him again until about 2.30 o'clock p.m. on the 28th of March, more than five days after claimant's seizure, when he discovered him standing in front of his dungeon door, in the yard, but he also saw at the same time, with delight, Colonel The O'Gorman Mahon standing by his side. He heard the Colonel ask Judge Ponce if he might converse with claimant, but the judge replied, "No! no! I won't allow any person to speak to him!" The colonel then suddenly retired, without uttering a syllable further to any one; but claimant was too well acquainted with his humane and fearless character not to rest mentally satisfied that he should take speedy steps to relieve a hapless fellow Irishman from the humiliation of being thus caged like a ferocious beast in Judge Ponce's menagerie.

Claimant received an unfolded letter from The O'Gorman Mahon that day, informing him he had learnt from the newspapers that claimant had been arrested, and desiring to know whether he required any legal or other assistance.* This letter was handed to claimant by a prison official, accompanied by the individual who had been left-hand man of the inquisitorial trio in the Capilla

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* No legal adviser was ever permitted to visit him. See Peruvian law.

on Monday, the 25th March. This man brought with him writing materials with which to enable claimant to reply to The O'Gorman Mahon, who was waiting at the inner gate of the prison for an answer. Claimant wrote his reply, kneeling on the floor, which he was obliged to use as his desk. During the time he was writing it, the official punched him on the back and side with his scabbard, desiring him to make haste and finish. About an hour after the colonel had withdrawn from the front of the dungeon door, as just described, he again returned to it, accompanied by Judge Ponce, and a young gentleman intimately connected with the Peruvian Ministry of Foreign Affairs—Mr. Carrasco.

The colonel and Mr. Carrasco at once entered, Judge Ponce, at the same time ordering out claimant's guards, addressing himself to claimant, said: "Well, you may now speak." Then Mr. Carrasco informed him that the colonel, on being apprised of claimant's miserable position, had gone twice that day to the Peruvian Minister of Foreign Affairs (Señor Melgar), who, in reply to the colonel's applications and remonstrances, had sent for Judge Ponce, and ordered him to release claimant from secret confinement, and directed also that he should be allowed to purchase food and see his friends.

Thus was claimant rescued from the fate that awaited him at the hands of Judge Ponce. He felt himself saved; and by whom? By him, a warm and noble hearted Irishman, who was hourly risking his own life in that nest of assassins, by his untiring efforts to bring to justice the villains who, in broad daylight, had robbed and murdered his young friend Captain Lambert, R.N.; efforts in which the gallant colonel was frustrated by this very Judge Ponce, whose conduct on that occasion was publicly reprimanded by the superior tribunal.

Later in the day, an officer entered with a small brown paper parcel in his hand, saying it contained money sent for claimant by the Intendente (chief of police) to purchase food. Claimant told this officer he must have mistaken him for some one else, but if it were really designed for him, he requested that he would return it with his compliments, and state that he possessed sufficient funds of his own, but that he could not avoid looking on the offer as strange, coming at such a moment, after the lapse of five such days of suffering from total deprivation of food and drink, during which he had experienced worse than a mad dog's treatment; that what he required from him and the other officials of the Government was to know with what crime, if any, he was charged, why he was seized, and why detained a prisoner, and subjected to such brutal treatment.

Claimant had been marched regularly, during his incarceration in this prison of the inquisition, by an officer with drawn sword, a sergeant and eight privates with fixed bayonets, from his respective places of confinement to a "sambullo," which stood in an exposed part of one of the most frequented and filthy parts of this edifice. During the indispensable time claimant had to remain in this receptacle, this guard formed three sides of a hollow square facing inwards towards him with arms at the charge, much to the astonishment of the convicts. The moment he descended from this position, he was collared by one or more of the soldiers, and hurried into the centre of his guard, who instantly marched him back to his cell without permitting him to readjust his garments. Still he dared not for his life speak. Nevertheless claimant found means to communicate with the gentleman in whose hands he had left the sheets of paper, with his signatures already alluded to. This he effected in the following manner: having pencilled a telegram, and unravelled a cigar, he rolled the paper on which he had written into the part of the cigar intended for the mouth; then, lighting the other end, and smoking it for a short time, he threw it out into the yard through his dungeon door, when he happened to see the gentleman referred to passing.

The receipt of Colonel The O'Gorman Mahon's letter, dated from the office of the Peruvian Minister, in whose presence it had been written, and by whose orders it had been delivered in claimant's den, proved that claimant's little despatches had produced the desired effect, and that his friend, the political prisoner, had not failed in his promises. Then came the colonel's welcome visit, soon after which he sent a bedstead, bedding, table, and sundry other articles of furniture. Claimant was now permitted to purchase food and speak. He was allowed to take some exercise in the yard; he was permitted to purchase pens, ink, and paper. He immediately wrote down the full particulars of the ruffianly bullying he had undergone from Judge Ponce. He also made records from his

pencilled notes of the inhuman wrong and savage barbarity to which he had been subjected by the Government officials. About 6 o'clock p. m., on the 29th March, the guards were again placed in his dungeon and outside the door, as usual. He was locked in. These guards (filthy Indians and negroes) continued throughout the night to scream to one another, and hold ignited matches close to claimant's eyes, as on the night preceding, for what purpose he never could ascertain, unless it were to be satisfied that he had not yet cut his throat, which they doubtless expected he should do under such appalling circumstances; or, perhaps, to prevent all possibility of his sleeping. The door was opened at 9 o'clock a. m. the following day, when the guards were removed until sunset, and then replaced as before, and so continued to be stationed until the 27th of August (five months after claimant's seizure), when claimant was transferred to San Francisco de Paula. All this time the Peruvian Government had in their possession voluminous evidence of his complete innocence, upon which same evidence he was subsequently fully acquitted, four months afterwards.

Protracted confinement in the horrid dens of the Inquisition had, in the meanwhile, been steadily undermining his health. He was becoming gradually insane, and his sight had become impaired to such an extent that he despaired of its ever being restored. The necessity for his removal, therefore, became urgent, there being no alternative between insanity and a miserable death, or immediate change to some other locality. Accordingly, on the 27th August, claimant was transferred to the prison of San Francisco de Paula, at the opposite side of the river, after five months and four days' incarceration in the dungeons of this abominable Peruvian Inquisition. This act of mercy was not, however, extended to claimant until after Monsieur de Lesseps, the French Minister, absolutely insisted on claimant's removal.

June 4. Judge Ponce ordered claimant to his presence in the chapel, for the second time since claimant's imprisonment, nearly 10 weeks after the first interview.

August 9. Judge Ponce again compelled claimant to appear, more than eight weeks after the last interview.

August 12. The judge had claimant again forced before him.

August 19. Another meeting took place. This was the first occasion on which the judge afforded claimant any interpreter whatsoever, to enable claimant to clearly understand the judge, and convey his sentiments accurately in reply. But this individual was not the sworn interpreter of the court, but the personal friend of Judge Ponce. This man, Christopher Conroy, was not under the obligation of an oath to prevent him from making a false record. It suited this unjust judge's purpose, no doubt, better to introduce his intimate friend, Christopher Conroy, instead of the responsible interpreter.

The final interview with Judge Ponce took place August 22, at the termination of which he had claimant publicly manacled with the "grillos and barra,"* notwithstanding that from the 16th of April he was proved to be wholly innocent, and was ultimately pronounced wholly innocent upon the amplest testimony at that date, and for nearly four months previously in the possession of the Peruvian Government and Judge Ponce.

Before claimant was removed from the prison of the Inquisition, the dungeons in which he had been there confined were totally transformed, no doubt in order to prevent a full public discovery being made of the horrors of the places in which he had been so long doomed to the most inhuman tortures.

During the whole of the time his transfer to San Francisco de Paula was being effected, he was held tightly by the collar of his coat by one of his police guards armed with a sword and a Sharp's rifle capped.

In the dungeon to which he was consigned was a mass of grillos, chains, fetters, manacles, barras, anvils, pincers, hammers, punches; in a word, all the iron materials for torture, amounting in the aggregate to about a ton weight; and as if the presence of these detestable implements was not considered sufficient to impress his mind with the fearful power at Judge Ponce's disposal, claimant was compelled to witness their application to the unfortunate wretches subjected to this judge's control, and thus were the horrors of his dungeon aggravated. In
illustration,

* A solid bar of iron, about 14 feet long and six inches in circumference, rove through the eyes of the grillos (massive iron shackles), which were pressed by it hard down on his ankles.

illustration, he refers to a case which he was compelled to witness on the 12th of April:—Two convicts, already heavily ironed, were brought in for the purpose of having other irons added to them. They had ripped the abdomen of one of their fellow criminals, and then attacked each other with knives, the consequence of which was innumerable gashes, from which blood flowed freely. They presented a loathsome and soul-harrowing sight, and they were swearing by most dreadful oaths that the death of one of them should alone end their strife. The punishment for this interchange of threats consisted in linking them closely together by chains encircling their waists, from which hung other chains secured round the legs and ankles. These latter were drawn together by means of grillos, so as to prevent the possibility of walking, and as their hands and arms were manacled they could no longer inflict injury on themselves or others, except with their teeth. When about to be removed, one of them said to the official presiding over the operations which had rendered them helpless, "I am as good a man as you, although your —— for the general has made you an officer. When I get free I shall inquire how you, a 'zapatero' (shoemaker), can be allowed to trample in this manner on the best friends of the grand marshal."

This official was dressed in uniform, and in addition to his sword carried a heavy stick, which (on hearing the above quoted words) he flourished rapidly, and striking the speaker on the head, felled him, both convicts going down together. The man who had received the blow lay motionless, while the official showered on him kicks with his feet, and blows with his club, until it became difficult to distinguish eyes, nose, or mouth, to such a mass of gore were all battered and reduced.

The political prisoners who witnessed this scene, strove, by crying out "Shame! shame!" to restrain the fury of the savage, while claimant protested as loudly against having his dungeon made the arena of such barbarities, and demanded that this official and the disgusting implements of torture should be removed from his cell, whereat the official turned like an enraged tiger on claimant, and swore by his Creator that "If claimant again opened his lips, he would serve him in a similar manner, if not worse." That he would have attempted to realise this threat there can be little doubt, had he not been restrained by a universal burst of indignation from the gentlemen prisoners who were looking on.

September 17. A man came and desired claimant to sign his name on a sheet of paper, which already bore a single signature, and nothing else. Claimant declined doing so.

Claimant continued to pine in confinement until 30th November, when the Judge of First Instance, Senor Carrillo, passed sentence in his case, the tenor of which was that claimant was innocent, and yet he must be banished perpetually from Peru.

There are only six hours allowed for appeal, but claimant did not hear of this sentence until 10 days after it was pronounced.

The copy of this sentence, which he succeeded in obtaining, conveyed to him the first information he had received from any of the Peruvian officials of the nature of the crime of which the Government had accused him.

Some person unknown to claimant appealed against the decision of Judge Carrillo to the Superior Court, which confirmed claimant's complete innocence, and reversed the sentence of banishment.

On the 14th of December the "Comercio" published the sentence which the Superior Court passed upon claimant.

This sentence states, "That as Melville White had been in Tacna, about 1,000 miles from Lima, from the 21st to the 28th of July 1860, he could not have been the perpetrator of the attack made on the president, in Lima, on the 25th of the same month."

Consequently, the Court fully acquitted him of the charge which had been fabricated against him, and censured the judge of the First Instance, "For not having pronounced judgment within the period commanded by law," *i. e.*, "within 60 or 80 days at the utmost from the period of arrest."

The Attorney General, not content with the decision of the Superior Court, appealed from that decision to the Supreme Court, the highest tribunal in Peru to which such cases can be referred, hoping, no doubt, to obtain such a modification of the sentence of the Superior Court as would afford some justification for the conduct of the Peruvian Government and Judge Ponce, for the unconstitutional manner in which they set all laws, divine and human, especially the

Peruvian, at nought. But the judges of the Superior and Supreme Courts were not so plastic or pliable as Judges Ponce and Carrillo, whose conduct claimant refrains from stigmatising as it merits, out of respect to the arbitrator. The judges of the Supreme Court accordingly, on 23d December, confirmed the sentence of the Superior Court, and commanded claimant's liberation from prison.

And although claimant was thus ordered by the Supreme Court, on the 23d of December, to be set at liberty, yet he was by the Government kept in confinement at San Francisco de Paula until the 9th of January 1862, on which day he was first informed by the colonel commanding at that prison that he was discharged from custody.

But this was not all. After the passing of the sentence by the final tribunal, which, according to the Peruvian laws, had cognisance of his case, the matter was taken out of the hands of the judicature by the Supreme Government, and claimant was accordingly told, on leaving the prison, by the said colonel, that he was to call at the prefecture on the following morning, at 10 o'clock, to learn the tenor of a decree which the Supreme Government had passed against him; showing him at the same time a letter, signed General Freire, Minister at War, instructing him (the colonel) to that effect.

No officer of the Government informed claimant, previous to his liberation, of the sentences passed by the Superior and Supreme Courts, although the law ordains that such information shall be duly furnished. (*See the Laws accompanying this case.*)

He proceeded to the prefecture next day at the hour appointed, when the Intendente, Colonel Secada, read to him a decree of President Castilla, signed by Senor Morales, Peruvian Prime Minister, which, after referring to claimant's complete acquittal by the courts, commanded him to immediately leave the Republic. Claimant protested against this decree as being a serious infraction of his rights as an unoffending Briton, a violation of the Peruvian law, and of the treaties between his Sovereign and the Peruvian Republic. He applied for, and after much difficulty obtained, a legalised copy of the process (*expediente*) which had been framed against him.

Judge Carrillo and his secretary compelled claimant to pay 100 dollars 4 reales for this copy, notwithstanding his having pointed out to them the written law of the State, which commanded that he should be furnished with it gratis. He holds the secretary's receipt for the money, with the exception of three dollars, which three dollars he had to pay to the notaries for legalising his signature. Several forgeries were committed by the judge and his secretary in the original *expediente*, while it was being copied. Having obtained this copy, claimant departed from Peru, in compliance with the decree of perpetual banishment enacted against him.

All claimant's wearing apparel and most valuable papers and documents were taken possession of by the Peruvian Government, on the 23d of March 1861, when he was seized, and were never restored to him.

MOTIVES for the CONDUCT of the PERUVIAN GOVERNMENT.

The question naturally suggests itself here, What motive could the Peruvian Government have had in violating the treaties with Great Britain and their own law in the person of claimant, and subjecting him to such cruelty and oppression? And there is no difficulty in answering that question. The Peruvian Government contemplated renewing hostilities with the Ecuadorian Government at no distant period, with a view to annex Ecuador to Peru. The Peruvians were well aware that claimant had entered into arrangements with the Ecuadorian Government, for the purpose of constructing roads and other internal means of communication throughout the Republic, which, in the event of such hostilities, would create great facilities for the movement of troops throughout Ecuador. It was, therefore, the object of the Peruvian Government to prevent or delay the execution of those works, and the only effectual means of so doing was to rid itself, at all risks, of the engineer who had undertaken to carry out the intentions of the Ecuadorian Government; and the Peruvian Government accordingly seized and incarcerated claimant. The sequel has proved the correctness of their judgment, for the works up to this moment remain unexecuted.

This desire on the part of the Peruvian Government was perhaps strengthened, and their hostility towards claimant increased, in consequence of the opinion he entertained of the infamous act of their naval forces, in a friendly port, in firing on the army of Ecuador, and shooting down the men whilst they were effecting the passage of the Salado, up to their waists in water, and of the no less infamous act of the Government, in heaping compliments on the murderers, instead of condemning them.

The Peruvian Government knew claimant was innocent of any charge that might be brought against him. They knew that the person who attempted the life of the President was living and at large, to the knowledge of everybody at Lima. Within three weeks from claimant's seizure, it was proved by a Commission of Government officials sent from Lima to Tacna, by and on behalf of the Peruvian Government, that claimant was living at Tacna, 1,000 miles from Lima, on the day and at the instant when the attempt was made upon the life of President Castilla; and yet on this very charge, as claimant nine months afterwards learned for the first time, he was detained in dungeons in Peru for nearly 10 months.

Recognition by Her Britannic Majesty's Government of Claimant's Right to Compensation and Full Reparation.

In July 1861 (five months after the date of claimant's imprisonment), the Right Honourable Earl Russell wrote to the Peruvian Government, informing them that their conduct was "atrocious." In October following, his Lordship again wrote, saying that "The Peruvian Government had mistaken the forbearance of Her Majesty's Government for indifference," and that "the time had then arrived when Great Britain would no longer permit those outrages on her subjects." In February 1862, four months afterwards, and when claimant had been liberated by his dastardly persecutors, and after he had been compelled to flee Peru for his life, Earl Russell wrote a third time, to the effect that "Her Majesty's Government espoused claimant's cause with warmth," and that "Her Majesty's Government were very much displeased and indignant about his (claimant's) ill-treatment, and his being ordered out of Peru."

On the 5th of August 1862, Mr. Jervis, in his place in the House of Commons, asked the Under Secretary for Foreign Affairs, "Whether any steps had been taken to obtain from the Government of Peru, satisfaction for the outrages committed against Captain Melville White?"

Mr. Layard said, "The treatment by the Peruvian Government of British subjects had been such as to call for the most grave remonstrances on the part of Her Majesty's Government.

"The case referred to by the honourable and gallant Member, was only an example of the unjustifiable proceedings which the Peruvian Government had taken with respect to Englishmen in Peru. Captain Melville White had been arrested, thrown into prison, treated in the most barbarous manner, refused a statement of the charges brought against him, and suddenly sent out of the country. He was now preparing a statement of his case, which, as soon as it was received at the Foreign Office, would be acted upon by the Government, and redress demanded for Captain Melville White.

"This case was most serious, and the House might rest assured that Her Majesty's Government will insist on full reparation."

On the 5th of May 1863, claimant's case was again brought before the House of Commons. The following is an extract from the published reports of the proceedings on that occasion:—

"The Times," Wednesday, 6 May 1863.

"The Case of Captain Melville White."

"Colonel Dunne inquired of the Under Secretary of State for Foreign Affairs, What steps had been taken to obtain redress for the cruelties inflicted by the Peruvian Government on Captain Melville White, a British subject?"

"Mr. Layard said, That the case of Captain Melville White was one of the worst cases he remembered to have seen. He had been arrested on a most frivolous, and, as it afterwards proved, a most unfounded charge. He was thrown into prison, treated with the

greatest barbarity, and on the matter being referred to the Peruvian Courts of Justice they had acted in a manner which was disgraceful to them. After ten months' imprisonment he had been released at the earnest remonstrance of the British Government, and no reason had been given for his imprisonment. The British Government had referred to the law officers of the Crown the statement made by Captain Melville White, of the circumstances under which he had been so maltreated, requesting that his case should be at once be taken into consideration, and that a sum should be named by them as an adequate compensation to Captain Melville White for the injuries he had received. Captain Melville White had sent in a claim of 292,174*l.* to the Foreign Office. The British Government had not thought it right to make this demand, but they were willing to leave the case to arbitration, and as the Peruvian Government had no objection to do the same thing, he trusted that some decision would be soon come to which would do justice to all parties and be satisfactory to Captain Melville White and his friends."

It is accordingly for those atrocities, for those outrages and losses, that Captain Melville White seeks compensation.

And he submits respectfully that he is entitled to reparation for the wanton and cruel manner in which the treaties between the British and Peruvian Governments (abstracts of which are herein set out) have been violated, and the Peruvian laws (abstracts of which are also herein set out) have been trampled upon, in the person of claimant, without the slightest justification or excuse; and for the great pecuniary damage which he has sustained in the loss of his fixed salary, referred to at page 2, paragraph 6, and by being obliged to abandon the highly lucrative and remunerative contracts which he had entered into with the Ecuadorian Government, also referred to in the same place; for the pecuniary expenses he has incurred, as hereinafter set forth; for the injury his health has sustained; for his blasted prospects, his ruined constitution; for the injury to his mind and nervous system, and his loss of sight; for the damage to his reputation in consequence of the malicious slanders of the Peruvian Government, their President, and Judges; and for other grievous wrongs which claimant now proceeds more particularly to specify in the order of their occurrence, and for which he seeks full compensation and reparation from the Peruvian Government.

Before proceeding to set forth the particulars of the grounds upon which Captain Melville White claims the most ample compensation, he submits, for the perusal of the arbitrator, testimonials from distinguished officers, military and naval, from which the arbitrator shall ascertain the principles that have ever guided claimant, and the social position he has enjoyed.

CORRESPONDENCE.

From *Thomas A. Apcar*, Esq., of the firm of Messrs. *Apcar & Co.*, Calcutta.

13, Eastbourne-terrace, Hyde Park,
London, 7 October 1862.

My dear Captain White,

I HAVE much pleasure in stating that you were personally known to my firm for a great many years in India, and that the character you bore there as a gentleman and officer was the highest that any person could ever possess; moreover, I always found you moving in the first society. Your correspondence with my firm, while you commanded a detachment of the Hon. East India Company's Naval Brigade during the mutiny, was meritorious in the extreme. It does you great honour, and is worthy of the noble and humane cause which you had come from Europe to India to sustain, and in which you constantly laboured with patriotism and zeal.

My firm had the pleasure of paying to Bishop Oliffe, by your instructions, sums of money of which you speak in your book as having been transmitted for the benefit of the Catholic orphans and other charities.

Your relations with my firm were as stated in your pamphlet. I have read it with pain and amazement. I shall rejoice if I can render you any service during my stay in this country, and it shall give me great pleasure to learn your welfare and restoration to good health.

I am glad that my visit to Europe has afforded this opportunity of renewing our acquaintance, and of bearing testimony to your worth and services at the awful period of the mutiny.

Believe me, &c.

Thomas A. Apcar.

To Captain Melville White,
18, Manor-terrace, Lorrimore-square, Walworth.

From Brigadier (now General) *Coghlan*, R. A., &c., Governor of Aden.

CAPTAIN MELVILLE WHITE, author of a pamphlet entitled "Britons Robbed, Tortured, and Murdered in Peru," and himself the subject of outrage and barbarity narrated in that pamphlet, was known to me some six years ago, when I was serving at Aden as Political Resident and Commandant.

Captain Melville White at that time commanded a ship betwixt India and the ports in the Red Sea, and he had the opportunity to render me service as the bearer of despatches to the officer commanding the British squadron employed at Hodeida, as described in his book; for that service, so cheerfully rendered, I was much obliged to Captain White.

Captain Melville White's position, socially and officially, was that of a gentleman; and, so far as I am acquainted with his career, his conduct has justified that title. I shall be glad to hear that he is substantially compensated for the wrongs which he suffered at the hands of the servants of the Peruvian Government.

W. W. Coghlan,
Colonel Commandant, R. A.

Ramsgate, Kent, 9 October 1862.

Political Resident and Commandant at Aden.

From General *Cuppage*, Madras Army.

40, Bryanston-street, Portman-square,
10 October 1862.

My dear Captain White,

IN reply to your letter of the 7th instant, I have great pleasure in bearing my testimony to your admirable conduct while we were fellow passengers on board the steamer "England," on the voyage from Madras to Vizagapatam, about five years ago.

When the ship was in imminent peril for several days, from the violence of the hurricane, the mutiny of the crew, and the general want of confidence, your nautical abilities, coolness and decision, were well calculated to re-assure the minds of the passengers, and I doubt not, tended materially to the ultimate safety of the vessel.

I shall be rejoiced to hear that your appeal to Government, and the exposure of the treatment you experienced from the authorities in Peru, may be attended with ample compensation for yourself, and the establishment of efficient protection for British subjects in Peru for the future.

Captain Melville White,
18, Manor-terrace, Lorrimore-square.

Believe me, &c.
A. Cuppage, Major General,
Retired List, Madras Army.

From C. E. *McRae*, late of Calcutta.

Clarendon Hotel, 18 Arundel-street, Strand, London,
18 October 1862.

My dear Sir,

I HAVE carefully perused your pamphlet, "Britons Robbed, Tortured, and Murdered in Peru," and have much pleasure in bearing testimony to the correctness of all you have stated in connection with our passage home in the "Octavia;" also that your conduct during the voyage was most gentlemanly; that you were most kind and obliging to all those who in any way needed your services on board; that you were on the best terms with the passengers, and that whenever I have met you it has always been in the best society. You are at liberty to make any use you like of this note, and I sincerely hope it may be of service to you.

Captain Melville White,
18, Manor-terrace, Lorrimore-square, Walworth.

With my best wishes, &c.
C. E. *McRae*.

From General *Osborne*, Madras Army.

57, Eversfield-place, St. Leonards,
19 October 1862.

My dear Captain White,

I HAVE to thank you for your pamphlet, which I have perused with much interest, and sincerely hope that you may receive ample redress through Her Majesty's Government for the treatment to which you have been subjected. Our personal acquaintance was not of long duration, but the intimacy was formed under circumstances which enable those so placed to understand and appreciate each other.

The kindness and consideration exhibited by you to the passengers on board the "England" during the days the vessel was in imminent danger, the crew mutinous, and all

confusion, secured the esteem and regard of all, and I may be permitted to add, the calmness exhibited by you throughout that most trying scene, tended materially to uphold and restore confidence to many who had almost given up hope. I shall always be happy to hear of your welfare, and trust you will at some future period favour me with the result of your appeal to the British Government.

Believe me, &c.

Captain Melville White,
18 Manor-terrace, Lorrimore-square, London.

G. W. Osborne, Major-General.

From Commodore *Edgell*, R.N., C.B., Aide-de-Camp to the Queen.

Brighton, 20 October 1862.

CAPTAIN MELVILLE WHITE, the author of a pamphlet recording his sufferings whilst unjustifiably detained as a prisoner at Lima, in Peru, was known to me in India when returning home to recruit his health from illness contracted on service during the mutinies.

I have every reason to believe his statement true from my knowledge of his gentlemanly bearing, as well as from personal knowledge of the dungeons at Callao, and the treatment which foreigners too often have met at the hands of the Peruvian Government; and I trust that the Government of Peru will now be taught a lesson that will render life secure, and the name of a British subject more respected than it has hitherto been.

Harry Edgell, late Commodore in India,
and commanding H.M.S. "Retribution."

From General *George Moyle Sherer*, late Aide-de-Camp to the Queen, my Commanding Officer during the late Mutinies in India.

My dear Captain White,

Jersey, 12 November 1862.

It was with very great pleasure I received your communication of the 6th inst., transmitting your pamphlet, which I have read with the deepest interest, and (while sympathizing in all you have undergone since we last met), let me say, I shall be heartily glad to hear that the shameful indignities and most cruel sufferings you had to endure at the hands of the barbarian officials in Peru have (through the agency of the British Government) been amply atoned for by the Peruvian authorities, who will in future, I hope, be compelled to respect every British subject, and made to compensate your pecuniary loss, as well as grievous injury in your health, which I am truly sorry to hear has suffered so severely.

Never can I forget your services at Julpigoree during the rebellion in 1857-58. The manner in which you had drilled your Naval Brigade, and made them (as they really were) most efficient soldiers, did you the greatest credit. Few, if any one, indeed, in your situation, could have accomplished what you had (in so short a time) effected. Your detachment coming as it did to my assistance at such a critical moment, just as I was about to execute some of those bloodthirsty mutineers, was of the greatest possible service to me, and seeing your resolute and most determined conduct on that occasion gave me additional confidence.

Trusting I may soon hear of your speedy and perfect recovery,

Believe me, &c.,

Captain Melville White,
18, Manor-terrace, Lorrimore-square, London.

G. M. Sherer, Major-General.

From Sir *Frederick J. Halliday*, K.C.B., late Lieutenant-Governor of Bengal.

My dear Sir,

London, 2 Dec. 1862.

I REMEMBER your going to Rungpore with a party of the Naval Brigade, during the mutinies, and from thence to Julpigoree, where you did good service.

No one was better qualified than General Sherer to judge of the value of the service you rendered at that critical time, and I observe that he bears strong testimony to its importance and to your merits.

I am sorry to see that you have since that time been subjected to indignity and suffering in Peru, and I hope you will obtain full redress.

I am, &c.

To Captain Melville White.

Frederick James Halliday.

From General *George Moyle Sherer*, late Aide-de-Camp to the Queen, my Commanding Officer during the late Mutinies in India.

My dear Captain White,

Jersey, 29 January, 1863.

FINDING from your communication of the 26th instant, that among the numerous documents you were so unfortunate as to lose during your travels in South America was an official letter you had received from Mr. Longmore, magistrate of Rungpore, acknowledging in the most flattering terms the valuable services you had performed while the Naval Brigade, to which you were attached, remained at Rungpore; and as the death of Mr. Longmore renders it impossible that he can now bear testimony to those services, I have the greatest pleasure in stating that I have not only heard that gentleman, but many of the residents at Rungpore, speak of your conduct in the highest commendation possible: and I have no hesitation in affirming that but for the most energetic and judicious mode you adopted in training the men under your command, they would never have become the well-disciplined and efficient brigade they proved to be.

I consider your management of those sailors did you the greatest credit; and that you should have come, as a volunteer, from England at your own expense, to serve your country at such a momentous period, is, in my opinion, beyond all praise; and I can only say that, if every officer in India had shown a like front, the rebellion would, I consider, have been crushed at the outset.

My hope is that you will obtain some reward for your services in the East, and trusting to hear of your speedy recovery,

Believe me, &c.

G. M. Sherer, Major-General,
late Aide-de-Camp to the Queen.

Captain Melville White,
36, Cavendish-square, London.

From General *George Moyle Sherer*, late Aide-de-Camp to the Queen, my Commanding Officer during the late Mutinies in India.

My dear Captain White,

Jersey, 4 April 1863.

IN complying with your request contained in your note of yesterday's date—just received—wherein you ask me “To record my sense of your moral character and honour, as, also, if I consider you capable of uttering or countenancing aught else than truth” (you may imagine my surprise at such extraordinary questions regarding your reputation), I can have no hesitation in stating that I have the highest possible opinion of your character in every relation of life; and must say that I think you may be justly proud in having performed such acts of heroism, which few men at your age have ever achieved, and only hope I may yet see you rewarded by your country for your truly noble and most praiseworthy services, which deserve to be handsomely requited.

Yours, &c.

G. M. Sherer,
Major General, Bengal Army.

Captain Melville White,
36, Cavendish-square, London.

From Colonel The *O’Gorman Mahon*, formerly Member of Parliament for the County of Clare, and subsequently for Ennis.

Junior United Service Club, Waterloo-place,
23 April 1863.

My dear Captain Melville White,

IN reply to your application, I derive great pleasure from being able to bear testimony to the accuracy of the statements contained in your work—“Britons Robbed, Tortured, and Murdered in Peru”—relative to the events which occurred during my residence in that country.

It was not until after a careful perusal of the highly creditable testimonials you possessed, that I introduced you to Generals Flores and Stagg, and Senor Garcia Moreno, President of the State of Ecuador. My personal knowledge of you enables me to attest that your candour, strict adherence to truth, and upright characteristics, acquired the respect and admiration of all to whom your honourable career became known; my indignation was, consequently, great, when informed of the atrocious charge of assassination so iniquitously trumped up against you, and for which there did not exist even the most remote shadow of justification, a fact that was well known to the Peruvian authorities, while they continued to heap on you contumely and sufferings only awarded to criminals after conviction.

Your loyalty and gallant services to Her Majesty while in command of a detachment of the Naval Brigade during the Indian mutiny are amply attested by your superior officers, and entitle you to substantial reward at the hands of Her Majesty's Government, while, at the same time, it would be difficult to limit the amount of compensation to which you are justly entitled for the many heavy wrongs inflicted on you by the Peruvian authorities.

The admirable fortitude displayed under your unmerited sufferings makes me happy to recognise in you, my dear captain, a fellow-countryman of the true stamp, of whom any nation might well be proud.

Captain Melville White,
&c. &c. &c.
36, Cavendish-square.

Most faithfully yours,
The O'Gorman Mahon, Colonel, J. P. and D. L.

From Commodore *Frushard*, late Commander-in-Chief of Her Majesty's Indian Navy.

My dear Captain White,

Bombay, 24 March 1863.

I AM very sorry to find you have been so great a sufferer, as shown in the pamphlet you have kindly sent me; and I trust you will be aided to obtain redress from the Peruvian Government.

I very gladly testify to having always heard you spoken of in high terms as a gentleman and seaman, and my full concurrence from personal acquaintance.

I also testify to the truth of your statements in your pamphlet, relative to your having brought me despatches from the Political Resident at Aden, at no small risk to yourself, and to your having assisted the squadron with a supply of rope, that was much needed, and also to your having shared your private stock of mess stores with my officers and myself—a kindness thankfully remembered. The occurrences at Juddah were reported to me by the Vice-Consul at that port, who spoke highly in your praise. I am very sorry to find, from the medical certificates you quote, that your sufferings are so prolonged, and trust this letter may find you in happier circumstances.

Yours, &c.

J. Frushard.

Captain Melville White,
36, Cavendish-square, London.

CLAIMANT'S SUBMISSION TO THE ARBITRATION.

On the following grounds for compensation, Claimant affixes the amounts to such items only as refer to actual cash disbursements and pecuniary losses, leaving the Arbitrator to estimate, himself, the amount of compensation to which claimant is entitled for the long catalogue of wrongs, of which he was made the unoffending victim, and the dreadful consequences thereby entailed on him.

Grounds on which Claimant Demands Compensation.

	£.	s.	d.
For having, without the slightest pretext or shadow of right, on the 18th day of March 1860, on his departure from Arica for Callao, placed a spy on board the steamer "Bolivia" to watch claimant; and for having, on his arrival at Callao, at 7 o'clock, A.M., on Saturday, the 23d of March 1861, caused claimant to be seized (without a written warrant or authority signed by a competent person in that behalf) by negro soldiers - - - - -			
For causing the said soldiers to gripe claimant by the throat until he was nearly suffocated, leaving deep and painful wounds and bruises on his neck, caused by the pressure of the soldiers' knuckles against it - - - - -			
For holding him, on the same day, in the public streets at Callao, for upwards of 15 minutes, with the point of a bayonet pressed against his breast - - - - -			
For causing the soldiers who seized him, whilst he was bewildered from the effects of the said suffocation and strangulation, to inflict upon him four severe blows in the back with the but-ends of their muskets, and push him forward in a staggering state - - - - -			
On the same day, for inflicting three severe bayonet wounds on claimant in the public streets in Callao, and causing excruciating pain and great loss of blood, under the instructions of an officer who tauntingly observed—"Well, you know my authority now, don't you? God damn you and your passport;" while claimant was demanding the written warrant or authority for his seizure - - - - -			
For seizing claimant without a written warrant or authority, and refusing to inform him of the nature of the crime with which he was charged, or to show a written authority or warrant for his seizure - - - - -			
For having, on the same day, in the public streets at Callao, inflicted a deep wound on his head, having been struck by a soldier, under instructions of an officer, with the but-end of a musket, which stunned claimant, and occasioned much loss of blood, whilst legally protesting against the brutal outrages of which he was made the victim; and for causing two soldiers to seize him, the one by the collar, the other by the breast of the coat, and pull, and drag him along the street whilst in an insensible state - - - - -			

For driving claimant, a gentleman and naval officer of high rank, like a brute beast through the public streets of Callao, without any just cause, at the points of bayonets, from the Quay to the Préfecture, amid the insulting taunts of the rabble

For having, on the same day, dragged claimant into a yard, before a number of officers and soldiers, and thrust him into, and flung him on the floor of, a wooden box at the Préfecture at Callao, and kept him there for half-an-hour, during which time the wound in his head was bleeding - - - - -

For having, on the same day, whilst asking for a little water to quench his burning thirst, been struck by a soldier a violent blow with his clenched fist in the mouth, which knocked claimant down, and caused great loss of blood - - - - -

For pulling claimant from the box into the yard when unable, from exhaustion and pain, to walk - - - - -

For having, on the same day, marched claimant through the most public streets at Callao, as a criminal, from the Préfecture to the Arsenal, under a strong guard of armed soldiers, one of whom held claimant's coat skirts, amidst the taunts of the rabble

For thrusting claimant, at bayonets' points, into a black hole or dungeon at the Arsenal at Callao, and there locking him up - - - - -

For inflicting upon claimant four bayonet wounds, and cutting his clothes, whilst forcing him into the dungeon, thereby causing him much pain and loss of blood -

For forbidding him to speak on pain of death, keeping him without air, in entire darkness in the said dungeon, the floor of which was covered with human excrement and urine, the corners being heaped up with fetid putrid matter, the stench being insufferable and the heat stifling, which caused claimant intense pain and dizziness in the head, preventing him from standing, and compelling him to take off his vest to sweep away the excrement and urine on the floor before he could lie down - - - - -

For having on the same day caused claimant's mouth to bleed copiously from wounds inflicted by soldiers thrusting the points of sticks, knives, and bayonets through the keyhole of the dungeon, whilst he was endeavouring to get a mouthful of air, and vainly begging, "in God's name," for some water to assuage his burning thirst - - - - -

For keeping him on the same day locked up in this dungeon, from eight o'clock a.m. until three o'clock p.m., without food or drink, during which time he was almost delirious for want of water and air, and from the intense heat and poisonous effluvia and stench of the dungeon - - - - -

For carrying him from this dungeon, about three o'clock p.m., whilst unable to walk, to a dungeon opposite, and for thrusting a bayonet in his face - - - - -

For having on the same day, in the presence and hearing of several persons, falsely and maliciously called claimant an assassin - - - - -

For having, on the evening of the same day, marched claimant, as a criminal, by armed soldiers, through one of the most frequented thoroughfares of Callao, from the dungeon in the Arsenal to the Railway Station, amidst the taunts of the rabble, and publicly conducted him by rail to Lima, as a criminal, in presence of numerous passengers, it being very well known to every one in Peru, that the real assassin, a Peruvian, was living in Lima - - - - -

For having, the same evening, marched claimant through the public streets in Lima, as a criminal, from the Railway Station to the Préfecture, amidst the gross abuse of the rabble - - - - -

For forcing him away, after allowing him to purchase wine and biscuits, without permitting him to taste them, although he had been kept without food or drink for 30 hours - - - - -

For keeping the 10-dollar gold piece given to purchase the wine and biscuits - - - - -

For robbing him of his gold-headed cane, which cost six dollars - - - - -

For marching him, in custody of armed soldiers, from the Préfecture in Lima, through the public streets, to the prison of the Inquisition - - - - -

For removing him, in custody of soldiers with fixed bayonets, through iron-grated doors and filthy alleys, and casting him violently against the wall of, and locking him up in, a dungeon, about nine feet by seven, in which were several lighted candles, fixed in bottles, and 14 prisoners of the most filthy and degrading character, some of whom were drunk, others becoming so as fast as possible, being engaged in drinking rum from bottles, which they passed from one to another. The major part of them were heavily manacled by their legs and waists, and nearly naked, having only a cloth round their loins; they occupied the whole of the floor, except where claimant was cast, and two tubs, open at top, stood, from which was emitted the most envenomed stench, being used by those wretches for the calls of nature, the continual disturbance of the contents adding to the sickening and disgusting state of the atmosphere, no air being admitted, except through the keyhole. The bodies of the prisoners steaming with perspiration, and the heat unbearable. The prisoners sprawling about, roaring and shouting in the most vociferous manner, throwing the empty bottles at each other's heads, and cutting and wounding all those within reach with knives, which they were permitted to keep. The moisture was running down the walls, and the urine and liquid excrement all over the floor, and the fetid stench that issued from the tubs and naked bodies of the criminals was indelible. This conveys but an imperfect idea of the place and society in which claimant, innocent of crime and uncondemned, had been cast - - - - -

£. s. d.

2 - -

1 4 -

	£.	s.	d.
For the awful torture and agony which the Peruvian Government doomed claimant to undergo, in the pestiferous dungeons of the Inquisition, amongst condemned murderers, on the nights of the 23d and 24th of March 1861, in violation of their treaties with Great Britain and the Peruvian laws, which prohibit the confinement in the dungeons of a prisoner who has not been condemned, <i>a multi fortiori</i> , a gentleman and naval officer, who was known by every one in Peru to be innocent of any breach of the laws -			
For having violated the Peruvian law by the neglect of competent judicial authority to visit claimant until the third day after his seizure -			
For the slanderous report given of claimant on the night of the 23d of March 1861, to the chained murderers in the dungeon of the horrible Inquisition, when forced therein -			
For the loss of all his wearing apparel, and documents and papers of almost inestimable value, on the 23d of March 1861 -	2,000	-	-
24th of March 1861. For the 17 dollars which he was compelled on this night to give to the chained murderers in the Inquisition, with whom he was associated -	3	8	-
For forcing him into association with the vilest of the vile -			
For violating the Peruvian law by permitting their criminal judges, before whom he was first brought, to conceal their judicial characters by wearing a costume prohibited by their laws, with a view of preventing claimant from penetrating through their base designs against him -			
For having, on the 25th of March 1861, by their criminal judge, Ponce, threatened to cowhide claimant and put him in irons, and absolutely partly stripped him, for the purpose of carrying out this barbarous torture, because he refused to sign a document which was truthless. For storming, raging, and bullying claimant by judicial authority -			
For refusing to give information when demanded by claimant on the occasion of being called before the judge, of the nature of the offence with which he was charged -			
For inducing him to sign a false document, under promises, which Judge Ponce subsequently violated, viz., that claimant should no longer be kept in secret confinement; that he should be allowed to speak; that he should be permitted to take air in the prison yard, and have writing materials -			
For threatening to chain him to the Barra and Grillos because he asked for food and drink, after having passed 60 hours without either -			
For having, on the 25th of March 1861, been violently kicked by a brutal official six times, as claimant lay in an almost dying state upon a heap of horrid instruments of torture, in a beastly dungeon, wholly incapable of defending himself -			
The money which he was compelled to pay for the insertion in the public journal "Comercio," of a notification of his imprisonment in the dungeons of the Inquisition, and of his protest to the criminal Judge Ponce -	4	8	-
26th March 1861. For causing soldiers to carry claimant bodily from a room in the yard of the Inquisition into another dungeon, and locking him up there without food or drink, with a heap of manacles for a bed, without an article of furniture, the floor and walls being filthy and damp, and keeping him there for 18 hours, and preventing him from getting air through the keyhole, by ordering soldiers not to allow him within four feet of the door, and directing the soldiers to do their duty; whereupon one of them charged claimant with his fixed bayonet, ran him through the left hip, and caused him great agony and loss of blood; and for keeping him in the said dungeon in solitary confinement, with two soldiers inside, who continually lighted matches in claimant's eyes to prevent his sleeping; and yelling and howling, and indulging in the most obscene and disgusting conversation -			
For money which he gave to a soldier in his dungeon for some filthy rice which he could not eat -	-	8	-
For giving him poisonous rice, filled with human hair and vermin, which, after eating ravenously, claimant's stomach rejected -			
For having been visited in the dungeon by Judge Ponce, and taunted and insulted by him, and told that "He would consider claimant's application for food and drink another time, and see if anything could be done for him, but at present he could not permit claimant to get anything," crying, "Cheer up, friend, all will soon be over between us" (alluding to claimant's probable death from starvation); and laughing heartily when leaving the dungeon -			
For being refused permission by Judge Ponce to speak to Colonel The O'Gorman Mahon, when he first called at the dungeon -			
For having, on the 12th of April, by their paid agent, threatened to club claimant into a worse state than the awful one to which he had, in claimant's dungeon and presence, reduced two wretches whose heads and features he had so battered that it was impossible to distinguish them, because claimant protested against making his dungeon the arena of such brutalities, and compelling claimant to witness such scenes -			
For having on the 23d May 1861, published in the journal "Comercio," No. 6,920, a document entitled "Project of Law," proclaiming claimant to the world as an assassin, and signed Manual Morales (Minister of State) -			
For having, on the 27th of the same month, published in the same journal, No. 6,925, another document, entitled "Project of Amnesty," signed José Fabio Melgar, Manual Morales, Nicholas Friere, and Juan Oviedo, Peruvian Ministers of State, proclaiming claimant before the world as an assassin -			
For keeping him five days in secret and silent confinement, without food or drink, without charging him with any violation of the law, and without trial, though the law requires that a prisoner shall be brought before a judge within 24 hours after his arrest -			

L. s. d.

- For having, in violation of all decency, whilst a prisoner in the Inquisition, marched claimant daily under a guard of soldiers with fixed bayonets, and an officer with a drawn sword, to the sambullo, and keeping him in dread of his life whilst attending there to the calls of nature, before a hollow square of soldiers facing claimant, with fixed bayonets, under orders from their officer to run him through if he attempted to speak, and causing the soldiers to collar him on descending from the sambullo, and hurry him back to his dungeon, without being permitted to adjust his garments - - - - -
- For having been denied the means of communicating with Her Britannic Majesty's representative in Peru, or with any of his friends - - - - -
- For having been four times, between the 4th of June inclusive and the 19th of August, before Judge Ponce, without an interpreter or counsel, or other agent, to conduct his defence - - - - -
- For having, at the last interview, employed a private friend of Judge Ponce to act as interpreter, instead of the sworn officer of the Court - - - - -
- For having, by Judge Ponce, intimidated claimant by armed force and violent threats, and subsequent promises, into signing a paper containing an infamous forgery, which this unprincipled judge presumed to call claimant's "declaration instruction," and for refusing to furnish a copy of it, in violation of the Peruvian law and the treaties with Great Britain - - - - -
- For having, on the 9th of August 1861, for the first time (after four months and 17 days' imprisonment), most slanderously and illegally issued a warrant of imprisonment against claimant, on a charge of shooting at President Castilla, on the 25th of July 1860, in the Plaza of Lima, although it had been proved by their own witnesses, on the 16th of April 1861 (more than three months previously), that claimant was at Tacna, 1,000 miles off, on that day - - - - -
- For constantly refusing to comply with claimant's legal demands to be informed of the cause of his imprisonment; and for having mocked at and rejected claimant's escrito (legal written application) of the 20th July 1861, written under the instruction of Her Britannic Majesty's Chargé d'Affaires, the Hon. W. S. Jerningham, requiring to be informed of the cause of his imprisonment - - - - -
- For having, on the 22d of August 1861, publicly manacled claimant with Grillos and Barra, after he had been in the Inquisition five months, although no charge had been publicly preferred against him, and the pretended charge of assassination was disproved by the evidence of the witnesses of the Peruvian Government, on the 16th of April previously, who swore that at the very instant the attempt was made on the President's life, claimant was 1,000 miles off, at Tacna. Thus treating claimant as one of the condemned murderers by whom he was surrounded, in open violation of all law, and of the treaties with Great Britain - - - - -
- For having refused to admit claimant's protest of this date against their proceedings against him - - - - -
- For the slanderous attacks of Judge Ponce, recorded at folio 73 of the Expediente (Process), in proclaiming to the judges at Callao that claimant had been imprisoned in that port previous to the 23d of March 1861, he well knowing it to be untrue - - - - -
- For the slanderous attacks of the Attorney-General, John Portal, appearing at folios 102, 103, 109, 110, 111, 112, 131, 132, and 137 of the Expediente, to the effect that claimant was a vagabond, a swindler, and assassin; this John Portal well knowing at the time that there was not the slightest justification for making those charges, and that he had not the slightest evidence in support of them - - - - -
- For having been slanderously and maliciously charged by Judge Ponce, in the presence of political and criminal prisoners, with being a scoundrel, robber, and assassin, this judge knowing such charges to be false, and that claimant was an honourable and unoffending gentleman and naval officer - - - - -
- For having denied claimant the assistance of an interpreter, counsel, attorney, or agent, wrongfully and illegally declaring that he had no right to such assistance, in violation of the Peruvian law and the treaties with Great Britain - - - - -
- 27th August 1861. For violently grasping claimant by the collar of his coat and cravat, and keeping him in fear of his life by causing a loaded and capped rifle to be kept pointed at his breast, whilst being removed from the prison in the Inquisition to that of San Francisco de Paula - - - - -
- For having caused the official journal, "Independiente," to publish to the world, in an article entitled "The Decree of the 12th of August," republished in the "Comercio" of 17th September 1861, No. 7,046, that the finger of opinion indicated claimant as an accomplice in the attempted assassination of President Castilla, on the 25th of July 1860, they knowing it to be false, because public opinion knew claimant to be innocent, and pointed to the real assassin, who was well known to be residing in Lima at the time, and was personally intimately known by General Castilla - - - - -
- For the slanderous perjury committed against claimant by President Castilla, recorded at folio 122 of the Expediente, under date 18th September 1861, six months after claimant's seizure, and more than five months after the Peruvian Government possessed the fullest possible proof of his complete innocence, wherein the President swears that "From the multitude of data, official and private, which he has received, he is certain that claimant is his frustrated assassin," he well knowing claimant to be innocent, and he, Castilla, never condescending to produce the data referred to - - - - -
- For the vile slander recorded against claimant at folio 126 of the Expediente, signed Guillermo Carillo, a Peruvian criminal judge, dated 30th November 1861, without having informed claimant of the nature of the charge against him, the said judge and his witnesses well knowing claimant to be innocent, and an honourable officer of high social and official position - - - - -

- For the slanders uttered against claimant by the President of Peru on the 24th December 1861, in the Capilla of the Inquisition, in the presence of a numerous assemblage of state officials, to whom this illiterate man, Castilla, declared, with oaths the most profane and shocking, that, "Although the courts had declared Melville White an innocent man, and allowed him to escape, all his, the president's friends, knew him, Melville White, to be his, Castilla's assassin, and that he, Castilla, also knew that Melville White was his assassin - - - - -
- For having been kept a prisoner from the morning of the 23d March 1861, until the 3rd of December 1861, 255 days, without having been officially informed of the nature of the crime with which he was charged - - - - -
- The sentence (folio 126 of the Expediente) of the Judge of First Instance, Senor Carillo, states that claimant had been at Tacna, 1,000 miles from Lima, from the 21st to 28th July, 1860—a fact that had been proved on the 16th of April, three weeks after his seizure, by the keeper of the hotel where he was stopping at the time, and confirmed on the 17th and 18th by the testimony of other witnesses of the Peruvian Government, so that claimant could not have made the attack on the president in Lima on the 25th of the same month, and that fully within the knowledge of the Peruvian Government, and yet they imprisoned him in horrid dungeons for nearly ten months, and made him the companion of the vilest of the vile, upon a charge which they knew to be wholly false - - - - -
- For not bringing him to trial and pronouncing judgment within the period commanded by law, viz., 60 days, or 80 days at the utmost, from the period of arrest - - - - -
- For not having informed claimant of the infamous accusation of the Attorney-General, dated 28th August 1861, and recorded in folio 109 of the Expediente, thus denying claimant the means of rebutting it - - - - -
- For having kept claimant in ignorance of the said sentence of First Instance until the 3rd of December 1861, ten days after it was pronounced, although the Peruvian law allows only six hours for appealing from such sentence - - - - -
- For having pronounced such an infamous sentence - - - - -
- For not informing claimant whether any person was attending on his behalf to the legal requirements of his case, no person professing to fill that character having communicated with him during the whole term of his lengthened imprisonment - - - - -
- For having caused claimant's case to be transferred from Judge Ponce to Judge Carillo without claimant's knowledge - - - - -
- For detaining claimant in prison from the 23d December 1861, when the Supreme Court, the ultimate court of appeal, acquitted him and ordered his immediate discharge from custody, until the 9th January 1862, a period of 18 days - - - - -
- For illegally and maliciously persisting in refusing, after repeated verbal and written demands, to inform claimant of the nature of the charge against him - - - - -
- For keeping claimant in ignorance, contrary to the law, of the sentences passed by the Superior and Supreme Courts, and of the appeal of the Attorney General, the first intimation of which claimant obtained after his liberation, on perusing for the first time his copy of the Expediente - - - - -
- For being denied legal assistance, thus rendering it impossible for him to ascertain the pretext upon which he was illegally seized and inhumanly tortured, and unable to defend himself - - - - -
- For commanding him after his complete acquittal by the courts, to quit the Republic, without assigning the slightest ground for such an arbitrary act, notwithstanding his firm protest against such an infraction of his rights as an unoffending British subject, and the violation of the treaties between Great Britain and Peru - - - - -
- For compelling him to pay 100 dollars 4 reales for a copy of the Expediente (process), notwithstanding the law required that it should be furnished gratis - - - - -
- For detaining him nine days after presenting a legal petition to the judge for the purpose of obtaining official information of the reasons for his arrest, as well as the documentary evidence of the judgment of the Court, with which the 18th Article of the Constitution entitled him to be furnished, and then returning to him the petition, with an intimation that his demand was rejected and his application considered impertinence - - - - -
- For publishing in the official journal "La Gaceta Judicial" of 21 December 1861, No. 166, an infamous attack upon claimant, entitled "La Causa de Melville White," signed by their paid agent, Manuel Fuentes, after the Courts had declared claimant's total innocence - - - - -
- Claimant's passage-money from Peru to England, whither he was obliged to repair in order to seek redress for his wrongs - - - - - 100 - -
- For the loss of his valuable time for 292 days of confinement in Peru, at 2,500 l. per annum - - - - - 2,000 - -
- The value of claimant's time from the day of his liberation on the 9th of January 1862 up to the present date, at the rate of 2,500 l. per annum - - - - - 4,116 - -
- For his personal expenses in London and elsewhere during all that time - - - - - 1,213 - -
- For the loss of his robust health, and the serious injury to his nervous system, impaired mind, and ruined constitution, and the almost total loss of his sight, caused by fevers and agues contracted in the horrid dungeons of the Inquisition - - - - -
- For having trampled under foot the treaties with Great Britain and the codes of the Republic; the sentences of the Courts in claimant's favour, and international law and right; and daring to enact against claimant the "Decree of the Supreme Government" ordained by Don Ramon Castilla, President of Peru, and signed by Manuel Morales (Minister of State), wherein claimant, an unoffending Briton, an officer of high rank and a gentleman, is publicly slandered and despotically commanded to be expelled for ever from Peru, the Government knowing

claimant to be innocent of any infraction of the laws of the country, and thus inflicting on him additional grave wrongs, and rendering the Peruvian Government liable to the most serious and heavy demands for the amplest pecuniary and other reparation	£. s. d.
For money paid for writing claimant's pamphlet, "Britons Robbed, Tortured, and Murdered in Peru," from memorandum made by him from time to time during his imprisonment, with a view of making claimant's case known to the Government in England, and especially to Members of the Houses of Parliament, in order to enforce his just claims against the Peruvian Government, his own mind, health, and sight being so impaired, that he was unable to prepare it himself	100 - -
For money paid to printers, scribes, and writers of papers in connection with claimant's case	1,700 - -
For money paid to physicians, surgeons, and oculists, for advice and attendance, with a view of relieving his shattered constitution and almost totally ruined sight	700 - -
For fees paid to counsel for legal advice from time to time, and for preparing his case for the arbitrator	2,200 - -
For money paid for translating the treaties with Great Britain, and the laws of Peru, bearing upon claimant's case, and the expediente for the use of the arbitrator	600 - -
For claimant's disbursements for the nine months and 17 days during which he was incarcerated in the horrid dungeons of the Inquisition, and in the prison of San Francisco de Paula	574 - -
For money which he had to pay for writing three petitions in Spanish to Judge Carrillo after claimant's liberation, demanding to be informed of the nature of the inquisitorial proceedings in his case during the nine months and 17 days he was imprisoned in the horrible dungeons of the Inquisition, and at San Francisco de Paula	6 - -
For money which claimant had to pay to Judge Carrillo, his secretary, and the notaries, for the copy of the expediente, to which he was entitled gratis	20 - -
For not being brought before a judge within 24 hours from his seizure, for refusing to inform claimant of his accuser or his witnesses, or affording him, or any one authorised by him, an opportunity of cross-examining his accuser or his witnesses, or of rebutting any slanderous charge which was brought forward against him	- - -
For not examining claimant on oath, or producing witnesses to accuse him	- - -
Claimant's contracts with the Ecuadorian Government led to his accepting a permanent engagement under the Government of Ecuador, with an allowance of 12,000 dollars a-year for his personal expenses, and of which he was in the actual receipt when he was seized, it is submitted that as he lost that appointment by the conduct of the Peruvian Government, and as he is only 30 years of age, such an appointment was worth 10 years' purchase, which would entitle him to 120,000 dollars, as compensation	24,000 - -
Claimant submits that, as the works which he had undertaken to execute were on an extensive scale, and as he had the power of subletting the contracts, he is entitled to the large profits which he should have made by such contracts, if he had not been prevented by the Peruvian Government from executing them. Claimant possesses the certificates of eminent engineers, who are of opinion that the profits should have amounted to, at the lowest estimate, 20,000 £.; he therefore respectfully submits that he is entitled to that sum as compensation for the great loss he has thus sustained, and the great sacrifices he has thus been compelled to make, by being obliged to abandon those contracts, not to refer to the permanent increased salary to which the contracts were sure to lead	20,000 - -
Claimant also demands, as his undeniable right, the revocation of the scandalous decree of banishment which the Peruvian Government dared to enact against him, in violation of all their own laws, and their treaties with Great Britain; and a satisfactory written apology for the injuries done to him, and the indignities heaped upon him, and the immediate publication of such revocation and apology in all the journals in the Republic; as also that a copy of such revocation and apology shall be handed to claimant	- - -
	£.

These disbursements and losses amount to 59,740 £.

It will be for the arbitrator to estimate the amount due to claimant, in respect of each of the other wrongs and grievances enumerated in the black catalogue of crimes perpetrated by the Peruvian Government.

With such precedents as the French, Japanese, and English cases herein quoted afford, it is submitted the arbitrator should not find much difficulty in awarding Captain Melville White compensation commensurate with his sufferings.

The French claims against Peru, for the simple imprisonment of a French peasant, amounted to 58,400 £.

The English claims exacted from Japan, for the killing of Englishmen, in a moment of excitement, in an affray by fanatical ignorant Japanese footmen, amount to 135,000 £.

The damages awarded by a jury of 12 Englishmen, for the imprisonment for two or three hours in London, of an English tradesman, amount to 1,000 *l*.

Were claimant's compensation to be based by the arbitrator, upon an infinitely lower standard than any of the precedents just referred to, claimant's pecuniary compensation could not possibly fail to amount to nearly 300,000 *l*.

Claimant's case is so peculiar and so atrocious, that no amount of pecuniary compensation can atone for it; but, as his reputation, tortures, and blood, must now be balanced against gold, the arbitrator will, claimant feels assured, act on the just principle, "*Fiat justitia, ruat cælum.*"

The Principles upon which Compensation ought to be Awarded.

Claimant admits the difficulty of suggesting a test by which compensation ought to be estimated by the arbitrator, because of the unprecedented nature of the conduct of the Peruvian Government.

Claimant, however, respectfully submits it ought to be governed by those cases which have arisen between the Peruvian Government and French subjects, which, although not parallel, are the nearest in point that are now to be found.

Also by the cases which have lately arisen between Her Britannic Majesty's Government and the Government of Japan, together with a case which was a short time since decided in London, respecting the detention there for a few hours of an English tradesman.

There is the greater reason why the French cases should be taken as precedents, because the French and Peruvian Governments have entered into treaties similar to those of the British and Peruvian Governments, and the Peruvian laws apply equally to French and English subjects. There is this distinction, however, between claimant's case and those about to be cited, viz., the French subjects were all in humble, though respectable, class of life, whereas claimant was born and reared a gentleman, and has obtained high rank in an honourable profession. Indignities, cruelties, and barbarities heaped and practised upon a person in his sphere of life, particularly when every one knew him to be innocent, especially his persecutors, would be much more acutely felt by him than by peasants, however respectable they might be, and his sufferings of mind and body consequent thereupon, would be proportionately augmented. This distinction, it is submitted, ought to be taken into the consideration of the arbitrator, and ought very much to increase the amount of compensation.

When the arbitrator also bears in mind the manner in which the Peruvian constitution, as well as the specific articles of its written codes, and the treaties with Great Britain, have been violated in every stage of the illegal and dastardly conduct pursued towards claimant, the arbitrator cannot fail to see that the payment of a sum of money, however large, cannot adequately compensate claimant for the sufferings he has undergone in respect of the outrages of which he has been made the victim, the privations he has endured, and his consequent fall from riches to poverty.

If the wrong of the Peruvian Government were in the first instance a crime, that crime increased in magnitude every day that claimant was detained in prison after his innocence was proved, and the pecuniary compensation assumes a proportionate aspect.

But the magnitude of the crime is still further increased by the audacity of the conduct of the Peruvian Government, in still further adding insult to injury, by their attempted denial of claimant's right to the amplest compensation when called upon by Her Majesty's Government to make reparation for their infamous wrongs, and by their presuming to offer 1,000 *l*. on the ground that they were bullied into it; and in the face of the facts stated in this case, and the admissions contained in the "*expediente*," persisting in submitting claimant's right to compensation to arbitration, notwithstanding that Earl Russell, in his Despatch of July 1861, announced their conduct as atrocious, and in February 1862 declared that "*Her Majesty's Government had espoused claimant's cause with warmth*;" and in another Despatch, that "*Her Majesty's Government were much displeased and indignant at claimant's being ordered out of Peru*;" and Mr. Layard, Under Secretary of State for Foreign Affairs, on the 5th of August 1862, in his place in the House of Commons, after recapitulating some of the outrages committed on claimant, declared the case was "*most serious*,"

and

and that "the House might rest assured Her Majesty's Government would insist on full reparation."

Subsequently Mr. Layard declared, in his place in the House of Commons, that claimant's case was "one of the worst he had ever known," and that "he hoped soon to have the case settled to the entire satisfaction of Captain Melville White and his friends."

It is impossible to rest upon narrow grounds the compensation to which claimant is entitled for the injury done to him by seizing him without any just cause, and for all the subsequent ill-treatment, sufferings, and privations he has endured; shutting him up in dungeons with the vilest criminals, keeping him five days without food and drink, inflicting numerous deep and severe wounds upon his person, causing his blood to flow, and putting him in fetters; for the impairment of his mental powers, the injury to his bodily health, and his almost total loss of sight.

For the sentence passed by the Court of First Instance, which was an outrage upon all the principles of justice and humanity, and a direct violation of the rights of Her Britannic Majesty's subjects; for the infamous articles published in the Government journals after the courts had declared claimant's innocence; for the atrocious manner in which the Peruvian Government trampled under foot their treaties with Great Britain, the codes of the Republic, the sentences of the courts in claimant's favour, and international law and right, by daring to enact against him a "decree of the Supreme Government," wherein claimant, an unoffending British subject, an officer of high rank, and a gentleman, was emphatically commanded to be banished for ever from Peru.

Compensation for wrongs such as these should not be dealt out with a niggard hand. Reparation should be made upon the same broad basis upon which the wrongs were inflicted. The Peruvian Government did not deal out their atrocities with a niggard or sparing hand; it is but fair, then, that the same measure of justice should be meted out to them, now that they are called upon to make amends for their unsparing wrongs. No pecuniary amount can adequately compensate claimant for the privations and agony of mind and body he endured for nearly ten months. Not all the wealth of Peru would induce him to go through the same again. One man in 100,000 could not survive to tell the tale.

Claimant now proceeds to cite the cases between French subjects and the Peruvian Government, as well as between her Britannic Majesty's Government and the Government of Japan, and the case of an Englishman imprisoned in London.

It is respectfully submitted that these cases afford precedents for the adjudication of claimant's case.

Precedents for the Estimation of the Pecuniary Claims of Claimant.

In the case of Zuderel, a French peasant, 100,000 francs were paid to him as compensation for 20 days' imprisonment. In the case of the cooper, Rosé, 20,000 francs were paid him as compensation for two blows of the fist. (*Vide* the "Comercio" of 5th May 1860, No. 6,413, wherein is published the various sums exacted by the Government of France from the Peruvian Government, for misconduct on the part of the latter towards subjects of the former, amounting to 782,600 francs).

Since the French Government, for such comparatively trifling injuries inflicted on peasants, insisted on payment to them of the sums just mentioned, claimant submits that the arbitrator should award him, for the frightful application of brutal force of which claimant was made a victim, sums commensurate with the continuance and enormity of that abuse, bearing in mind his social position and the important fact that he never gave a shadow of ground for complaint in any way whatever.

The Frenchman, Zuderel, received, for simple imprisonment, 200 *l.* per diem for 20 days, at which rate he should have had to receive, had he been imprisoned as claimant was (nine months and 17 days), 58,400 *l.*

It is not to be supposed the French Government would have reduced their demand for daily compensation had this man's imprisonment been extended, as claimant's was, to nearly ten months! On the contrary, they would have been justified in largely increasing it, and they would have done so.

The other French subject, the cooper, Rosé, received 1,600 *l.* for two blows with the fist. What, it may be asked, would have been the amount of compensation demanded by the French Government for this person had he received, as claimant did, a dozen bayonet wounds in addition to being nearly choked, gashed in the head, and knocked down by a blow on the mouth?

The foregoing will enable the arbitrator to understand the effectual mode in which the French Government have compelled the Government of Peru to atone for their misconduct towards Frenchmen.

These cases, it is submitted, afford the very lowest bases upon which the arbitrator ought to award compensation to claimant in the adjustment of his demands.

Claimant now refers to the case where Her Britannic Majesty's Government have obtained from the Government of Japan compensation for outrages committed on Englishmen.

Extract from the "Times" of 16 June 1863.

"JAPAN.

"Mr. Liddell inquired of the Under Secretary for Foreign Affairs what was the precise nature of the demands made by Her Majesty's Government upon the Government of Japan, in the shape of reparation for outrages committed upon British subjects in that country, and whether there was any objection to state what instructions had been sent to the British admiral on the station as to the steps to be taken in the event of the Tycoon's refusal to comply with those demands; and also whether Her Majesty's Government had any ground for supposing that the Tycoon had the power, even if he had the will, to obtain from Prince Satsuma reparation for the murder of Mr. Richardson?"

"Mr. Layard said that, as the House were aware, some months ago a murderous attack was made upon four British subjects who were riding upon the high road near Jeddo, which had been opened to foreigners under treaty. Mr. Richardson was killed, two of the gentlemen were wounded, and a lady who was of the party escaped almost by a miracle. This was not the only outrage which had recently been committed upon British subjects in Japan, and Her Majesty's Government had made demands upon the Japanese Government, the nature of which he had no objection to state. In the first place, they demanded an ample and formal apology for the murder of a British subject on a road which had been opened by treaty, and the payment of 100,000 *l.* by the Government of Japan as the penalty for that offence. It was true that this outrage was committed by the servants of a powerful Daimio named Prince Satsuma, and in order that punishment should be inflicted, Her Majesty's Government have demanded that the persons implicated should be taken, tried, and executed, in the presence of one or more British officers, and that a sum of 25,000 *l.* should be paid by Prince Satsuma as compensation to the family of the victim and those who suffered in the assault. Whether or not the Japanese Government had power to enforce this demand on Prince Satsuma he could not at present state. There was a further demand, in consequence of the murder of two marines who were on duty as sentinels when the British Legation was attacked on the 25th of June last. For this a sum of 10,000 *l.* had been demanded as compensation to the families of the victims. It would not be in accordance with precedent for him to state the instructions which had been given to the admiral, but he believed that they were such as were likely to enforce the demands of Her Majesty's Government."

The arbitrator will perceive from this extract that the pecuniary compensation demanded by the British Government from the Government of Japan amounts to 135,000 *l.*, and this sum has been paid to the Government of Great Britain by the Japanese Government.

The crime which gave rise to this demand was a barbarous one, but it was humane compared to the atrocities to which claimant was subjected. In the former case, an English tradesman was riding along a road in a country which had just been forced open to Europeans, when a fanatical servant of one of the native nobles attacked and slew, in a moment of passion, in an affray, the Englishman. There was not any apparent premeditation on the part of the culprit, and the Government of Japan had no apparent connexion with the committal of the crime. In the latter case (claimant's), a naval officer of high rank was travelling in Peru, which has long been in professed friendly intercourse with Great Britain. He was seized, most illegally, and without the slightest justification, and for 10 months tortured in the most shocking manner. He was thus tortured while his torturers all along knew him to be wholly innocent. The vilest possible means were had recourse to by his torturers to fabricate schemes which might screen them from the consequences of their conduct towards him.

Claimant

Claimant had better have died a hundred deaths—if it had been possible for him to have done so—than undergo those 10 long months of horrors in the Peruvian dungeons.

Claimant's torturers were not ignorant fanatical footmen or coachmen, as in the Japanese case, no! they were the Government of Peru, who profess to treat as a civilized nation, on equal terms, with the great nations of the earth.

Will the arbitrator take, as ground work for the estimation of claimant's pecuniary demands, this case of Her Britannic Majesty's Government *versus* the Government of the Empire of Japan?

It may be well to here again revert to a case of simple imprisonment, which, in the case of an Englishman, occurred a short time since in London. This case clearly shows how such injustice is viewed and compensated for by an English jury.

The facts of the case are as follows:—

An English tradesman was, a short time since, accused of having illegally negotiated some "notes of hand." He was, in consequence, legally arrested and detained at the Mansion House, in London, a few hours. The following morning the matter was fully investigated before the Lord Mayor of London, and the prisoner was proved to be innocent. He brought an "action for damages" against the person by whom his detention had been caused. A jury of 12 Englishmen decided that the plaintiff was, for his few hours' detention, entitled to, as compensation, the sum of 1,000 *l*.

If the arbitrator was to take this verdict of 12 Englishmen—between two of their own countrymen—as the basis for adjudication on the wrongs of claimant, the arbitrator should find himself bound, in justice to one of the most injured of gentlemen, to award such damages to claimant as might deter even the very wealthy, very purse-proud, and very barbarous Government of Peru from again daring to so outrage justice, the laws, humanity, and public feeling.

It will be for the arbitrator to consider the application of those cases to claimant's.

PUBLIC OPINION.

THE arbitrator may be desirous of knowing what public opinion is regarding claimant's wrongs, and as he is most anxious to enable the arbitrator to fully understand this painful case, the following extracts are respectfully submitted from the mass of writings which have, from time to time, appeared in the French and British press, relative to the horrible conduct of the Peruvian Government towards Captain Melville White, claimant.

THE FRENCH AND BRITISH PRESS, TOUCHING THE CASE OF CAPTAIN MELVILLE WHITE.

"El Eco Hispano Americano," Paris, 16 August 1862.

"AN English naval officer, who has very grave and very just grounds of complaint against the Peruvian Government, has addressed to Lord Palmerston a note, which has been published and distributed to all the Members of both Houses of the British Parliament.

"This letter is only an abstract of a very interesting work which this officer is about to publish, in order to clearly lay before Europe the constant illegal and inhuman proceedings of the Peruvian Government towards foreigners.

"This case is too dreadful to fail to attract much public attention, and obtain the amplest atonement, at least, in the British Houses of Parliament.

"To this effect, in the House of Commons, on the 4th August (*see* the "Times" of the 5th), Mr. Jervis asked the Under Secretary of State for Foreign Affairs, if any steps had been taken to obtain from the Government of Peru satisfaction for the insults and tortures inflicted by them on Captain Melville White.

"Mr. Layard, thus interrogated, replied: 'That the treatment by the Peruvian Government of British subjects had been such as to call for the most grave remonstrance on the part of Her Majesty's Government.

"The case referred to by the Honourable Member, was only an example of the unjustifiable proceedings which the Peruvian Government had taken with respect to Englishmen in Peru. Captain Melville White had been arrested, thrown into prison, treated in the most

barbarous manner, refused a statement of the charges against him, and suddenly sent out of the country. He was now preparing a statement of his case, which, as soon as it was received at the Foreign Office, should be acted upon by the Government, and redress demanded for Captain Melville White.

"This case was most serious, and the House might rest assured that Her Majesty's Government would insist on full reparation."

"These frank and energetic declarations of Mr. Layard were received with great marks of favour by the House.

"On the other hand, it cannot escape the penetration of anyone that these scandalous injustices have been committed by the Peruvian Government almost immediately after they had realized in London a loan of millions of dollars. It is thus that the Government of Peru solicits, seeks, and makes good the gold of England in London, which does not, nevertheless, prevent them from maltreating British subjects in Peru.

"In presence of all these acts, it is impossible that Europe can omit becoming acquainted with, and attending to the scandalous inhumanities of the Peruvian Government, whose capital, Lima, is the focus of constant conspiracies against the European powers. It is impossible soon to forget the offers of money and men which General Castilla recently made to the Government of Juarez, in Mexico, against France.

"It is not surprising that the Peruvian Government never responded to the well-founded claims of the European powers, except by evasions.

"But, without doubt, a day must soon arrive in which Europe will settle with Peru in the most severe manner.

"The guarantees given in the British House of Commons, in the name of the British Cabinet, by Mr. Layard, gives us the well-founded hope that such measures will soon be realised.

"From the words of the British Secretary of State, it is quite evident that the infamous conduct of the Government of General Castilla towards foreigners, must occasion the most grave consequences to the Peruvian Government, if they do not at once renounce their deplorable traditional policy."

"The Illustrated London News," 16 May 1863.

"ECHOES OF THE WEEK.—Ships coming home from foreign parts have frequently, among other passengers, persons described as 'distressed British seamen;' but Parliament is just now besieged by a number of 'outraged British subjects,' claiming redress for their scandalous treatment from foreign Governments. After Don Pacifico and his broken cups and saucers, the British public grew sceptical as to the injuries sustained by gentlemen whose British nationality was, to say the least, problematical; and this unwillingness to listen to complaints has often been the means of a grave failure in justice. The poor Baron De Bode has not got his claims settled yet, though Committee after Committee of the House of Commons have decided in his favour. One case, however, has recently occurred, in which we trust ample compensation to the sufferer will be exacted by the British Government. The history of Captain Melville White, who was arrested in Lima, in Peru, on a perfectly false charge, flung into a loathsome dungeon in the old prison of the Inquisition, half starved, insulted, and at last banished the Peruvian territory, has just been brought before the Legislature."

The London "Punch," 16 May 1863.

"It appears from a question asked the other evening by Colonel Dunne, in the House of Commons, that Captain Melville White, a British subject, has been treated with gross cruelty by the Peruvian Government, in having been arrested on a frivolous and unfounded charge, cast into prison, and subjected to brutal violence at the hands of soldiery and ruffianry, for which the Peruvian courts of justice, comically so called, denied him redress. Captain Melville White, the plaintiff, had sent in a bill to the Foreign Office against the Government of Peru for 292,174*l.* The case is a bad one, and is clearly one for the amplest compensation. But should he succeed in getting only so much of the amount of compensation claimed by him as shall be awarded to him by the arbitration, which the Foreign Office proposes, his allowance will doubtless rise to a very heavy one."

The "Rotherham Advertiser," Saturday, 16 May 1863.

"Captain Melville White, who was thrown into prison in Peru by order of the authorities there, and barbarously treated, has published a statement of his wrongs, and the sum to be demanded by the British Government as compensation. The statement is addressed to Earl Russell, and, together with some correspondence on the subject, occupies 19 folio pages. Captain Melville White rests the justice of his demand for damages (292,174*l.*) on the ground that the French Government demanded, and obtained from the Peruvian Government, the sum of 4,000*l.* as compensation for 20 days' imprisonment of a Frenchman named Zuderel; and 1,600*l.* for two blows with the fist on another Frenchman named Rosé. Captain Melville White was imprisoned 9 months and 17 days, and during that time was most brutally treated, and then hurried out of the country. The British Consul at Callao did not make the slightest effort to procure any amelioration of Captain Melville White's sufferings.

"British

"British Press and Jersey Times," Wednesday Evening, 20 May 1863.

"In the House of Commons, a few days ago, an episode in the proceedings arose out of an explanation given by Mr. Layard, Under Secretary for Foreign Affairs. Being interrogated by Colonel Dunne upon the case of Captain Melville White, which had been the subject of inquiry at the end of last Session, Mr. Layard stated that the gallant gentleman had claimed compensation in damages from the Peruvian Government in the sum of 292,174*l*. The picture presents a most serious appearance. The facts Captain Melville White states are evidently unimpeachable; and they disclose a case of cruelty and injustice on the part of the Peruvian authorities, and, what is still more extraordinary, one of criminal apathy on the part of the British Foreign Office and its representatives.

"Captain Melville White was arrested, in Callao, on the 23d of March 1861, falsely charged with having, on the 25th of July 1860, attempted to assassinate a Peruvian official, named General Castilla. He was ignominiously driven through the streets and thrust into the calaboose in that seaport, and from thence, loaded with fetters, transferred to a prison at Lima. It is admitted that it was very speedily known that Captain Melville White was innocent of the crime imputed to him, as he was at Tecna, 1,000 miles distant from Lima, on the day on which he was supposed to have there fired at the Peruvian General. After Captain Melville White had been in solitary confinement for several days, he wrote to Mr. John Barton, the British Consul, who seems to have paid but little attention to him during the period of his confinement. His position becoming known, naturally excited some sympathy amongst the English residents in Lima, and after great difficulty, a Mr. Carvell obtained admission to the dungeon in which Captain Melville White was confined. This Mr. Carvell refers to the condition of the prisoner as follows: 'I can describe the cell and the prisoner's occupation on my being admitted to him. A dungeon, seven feet by nine, damp stone walls, a wet stone floor; not an article of furniture of any kind, save a rusty iron pan, alongside of which was Melville White on his knees, eating with his fingers the dirty-looking rice it contained. This pan was absolutely the only article in the cell. Melville White was haggard, wan, and labouring under an excitement, from which he was relieved at last by a passionate flood of tears. The cell in which he had been first confined baffles description. We at once went to purchase a bedstead, bedding, chairs, a table, a lamp, and such other articles of necessity as could render his situation more endurable.' The same witness also deposes, that four or five weeks after Captain Melville White's arrest, his innocence was established, but notwithstanding, he was kept in prison nearly nine months longer. Every possible effort was made to convict him, in order to cover the enormity of the first offence, and to justify the cruelty inflicted upon him. When these efforts proved futile, and his innocence was recognized, the climax of these proceedings was reached in his condemnation to perpetual banishment from the Peruvian territory. The ameliorations that were made in his condition during his incarceration were due, not to the interference of the British Consul, but to the active benevolence exerted in his favour by Monsieur de Lesseps!

"British respect for law at home and abroad is shared in by the Government. There is never a disposition on their part to depart from strict international usage, and it cannot be expected that accused Englishmen, by the active interposition of their Government, shall be placed in a position exceptionally superior to any native of the country placed in similar circumstances; but British subjects, all over the world, have a right to expect and to demand, at least before trial and conviction, that they shall not be placed in such a life-destroying dungeon as that in which our gallant countryman was confined. If the British Consul had done his duty, Captain Melville White should not have remained incarcerated for 24 hours in this horrid cell, in which another Englishman, James Edwards, died, after an imprisonment of 72 hours. By the Peruvian code, the extreme period fixed for the full investigation and decision of such cases as Captain Melville White's, is 60 days. Some four or five weeks after his arrest, the innocence of Captain Melville White was generally known in Lima. Yet these two facts, well known to the British Consul, were not allowed to have their legitimate influence upon his action. If the British Consul had done his duty, he should at least have insisted upon the release of Captain Melville White at the end of the 60 or 80 days prescribed by the Peruvian law for the investigation and determination of such a case; but, instead of that being done, Captain Melville White was allowed to languish 'in the foul dens of the worst of Peruvian assassins' for the monstrous period of 9 months and 17 days. Even when released, by foreign intervention, from this unjust and cruel imprisonment, he was insulted by the decree of the Peruvian Government, condemning him to perpetual banishment from the Peruvian territory.

"This unmerited suffering has resulted in great pain of mind and body to a gallant sailor, who, as a volunteer, at his own expense, commanded a detachment of the Naval Brigade, and in assisting General Sherer, at Sulpigore, during the Indian Mutiny, in 1857-58, rendered good service to his Queen and country. His health is broken down, his sight irreparably impaired, and his prospects of fortune blasted by the combined cruelty and apathy of the Peruvian and the Home Governments. Earl Russell's slowness to move in the matter can only be accounted for upon the supposition that he was not well advised by the British Consul then at Lima. But the Government must be held responsible for the acts of their representatives; and now that Captain Melville White has given to the world the full details of his case, we trust some independent Member of the

House of Commons will bring the subject fairly before that assembly. With regard to the claim for compensation, the sum of 4,500 *l.* mentioned by the Government is ridiculously inadequate for the wrongs done to Captain Melville White in his person and property. That subject, however, has properly been made the subject of arbitration, and we may hope that substantial compensation will be awarded. The conduct attributed to Consul John Barton should be made the subject of a vote of censure, in order to the due protection of British citizens in remote parts of the world."

"The Jersey Independent and Daily Telegraph," Thursday, 21 May 1863.

"We have a grave charge to make against our Government: that of ignoring, almost, the claims of a British subject, who has been most cruelly and unjustly used by the Peruvian Government. Everybody is by this time familiar with the case of Captain Melville White, the Englishman consigned to prison in Lima by the Peruvian authorities on a most trumpery and unfounded charge, who was seized in Callao, brutally beaten, cast into a dreadful calaboose in that town, 'within hail of the British Consulate,' and afterwards consigned to the Inquisition in Lima, loaded with fetters. For 9 months and 17 days was this grossly ill-used man confined in that horrible Peruvian den, and that after it had been clearly shown that he was thoroughly innocent of the charges made against him. Many accounts of his brutal arrest and deathly incarceration have appeared in the columns of English newspapers, but the following extracts from a pamphlet published in London by a Mr. Carvell (who, as will be seen, has also had bitter occasion to complain of the Peruvian Government), will afford our readers the most forcible picture of the loathsome den in which Captain Melville White was confined.

"This man, Carvell, in his pamphlet, says:—

"Thomas Melville White, a British subject, was seized in Callao, there brutally handled, taken thence to Lima, and thrown into the ancient prison of the Inquisition, where he remained incommunicado for several days. By some stratagem he contrived, however, to communicate his position to some one outside; and although things of this kind were of such frequent occurrence that people had learned to regard them with apathetic indifference, the knowledge that a British subject was confined in that loathsome den created some indignation among his countrymen residing in Lima. On learning the rumours afloat, I resolved to ascertain particulars. I went with a friend to the prison, but was refused admittance, the only reply to our inquiries being, that they must be addressed to Judge Ponce. We left our cards, desiring they should be given to the Englishman confined within the walls. After innumerable difficulties, we finally obtained, through the Peruvian Minister for Foreign Affairs, an order to see our countryman. When Judge Ponce found he could no longer keep the prisoner incommunicado, *i. e.* in solitary confinement, he permitted his removal to a cell less filthy than the one in which he had first been placed; but even this was the most horrible it has ever been my lot to behold. Human life must be counted by hours in such a place. In that cell another Englishman, James Edwards, was murdered; and there, too, was I doomed subsequently to be sent by Judge Gamboa. Yet, in the face of the well-known fact that Melville White had been lodged for days in this loathsome den, the Peruvian Minister for Foreign Affairs, in a Despatch to the British Minister, rebutted the charge of ill-treatment of Melville White, boldly asserted that, when first imprisoned, he was placed in 'a large airy apartment, and supplied with everything necessary to his comfort.' I can describe the cell and the prisoner's occupation on my being admitted to him:—

"A dungeon, seven feet by nine, damp stone walls, a wet stone floor; not an article of furniture of any kind, save a rusty iron pan, alongside of which was Melville White, on his knees, eating with his fingers the dirty-looking rice it contained; this pan was absolutely the only article in the cell. Melville White was haggard, wan, and labouring under an excitement, from which he was relieved at last by a passionate flood of tears.

"The cell in which he had first been confined baffles description.

"We at once went to purchase a bedstead, bedding, chairs, a table, a lamp, and such other articles as could render his situation more endurable.

"Notwithstanding these facts, of which there is ample proof, the Peruvian Minister made the assertion above-mentioned.

"Some four or five weeks after the arrest of Melville White, a Peruvian official came to me one evening privately, and stated that information had that day been received from Tacna, that Melville White was there on the day he was charged with firing at General Castilla; that the Government was annoyed, and fearful of getting into trouble, in consequence of the infamous manner in which an innocent man had been treated. On my remarking that he would of course be at once released, and adequately compensated for the sufferings he had endured, my informant replied that the Government, on the receipt of the intelligence proving the innocence of the accused, had resolved to convict him, *coute que coute*, as the safest way of getting out of the difficulty. Will it be credited in civilized England that this man was actually kept in prison nine months longer! All their efforts to convict him having proved futile, he was, notwithstanding the recognition of his innocence, condemned by a decree of the Peruvian Government to perpetual banishment from the Peruvian territory. In Lima no one ever questioned Melville White's innocence.

"The other victim I have mentioned, James Edwards, succumbed in 72 hours to the horrors of the cell in which Melville White was first confined.

"Her Majesty's Government, being informed of the extraordinary proceedings of Judge

Judge Ponce, in a despatch to Lima, pronounced his conduct 'scandalous,' and expressed a hope that it would lead to his disgrace. So far from Judge Ponce being disgraced, he became a greater favourite than ever with the Peruvian Executive, and the medium through which they vented their spleen on any of my unfortunate countrymen who had incurred their displeasure. He succeeded in murdering James Edwards in 72 hours, and also in nearly murdering Captain Melville White, whose naturally strong constitution enabled him to bear up against cruelty and suffering until rescued from impending death by Monsieur De Lesseps.

"The perusal of the above extract from this Mr. Carvell's pamphlet is enough to make an Englishman's cheeks flush with shame. To think that after Melville White had been proved innocent of the charge brought against him of firing at General Castilla, these Peruvian rascals had the insolence to think of convicting him by way of 'getting out of the difficulty'! And, again, the consignment of the poor fellow to that beastly hole of a dungeon! Happily, his constitution, naturally good, and hardened by his profession, was able to withstand that which had proved so fatal to James Edwards. We, who have not seen the dark dungeons of Naples, can but dimly imagine a place that could destroy life in the awfully brief space of seventy-two hours. And who was it that rescued our countryman from his loathsome dungeon? The captain and crew of a British man-of-war, said man-of-war within pistol-range of the shore. The British Consul, the functionary appointed by our Government to protect to the uttermost the lives and property of Her Majesty's subjects? No! thanks to the boldness and promptitude of an ungrammatical drunken Consul in Peru, the 'rescue from impending death' of Captain Melville White was left to the hands of a Frenchman, Monsieur de Lesseps! There was a time when England's name was so feared abroad that such a pitiful power as Peru would not have dared so much as to lift a hand against a British subject. Then British Consuls were formed of stuff other than that which goes to make up such illiterate rowdies as Mr John Barton, late Her Majesty's Consul in Lima.

"Captain Melville White, after having been bruised, imprisoned, and insulted by the Peruvian Government, comes here and begs, through the once powerful British Government, for compensation. He comes with a broken constitution and damaged prospects; he comes with the bitter reflection that a villanous Government have robbed him of some of the best years of his existence. Of course it is hard to say how much shall be paid by the Peruvian Government for the injuries inflicted by them upon Melville White; he has set his 'compensation' at a high figure, and he has precedents to support him. A Frenchman named Zuderel received from this same Government, for simple imprisonment, 200 l. a-day, for 20 days; and Captain Melville White very logically says, 'Had he been imprisoned as I was (9 months and 17 days) he should have had to receive, at this rate, 58,4000 l.' Another Frenchman, named Rosé, a cooper, was paid, in compensation for two blows with the fist, 20,000 francs. It may fairly be assumed that no amount of money, no fabulous sum, would adequately compensate Captain Melville White for the cruel injuries he has received. The point to be reached in his case is (as it was in the cases of the two Frenchmen) to make the Peruvians feel that they shall have to pay dearly for their unholy fun; that they may learn to respect the lives and liberties of British subjects in future. Captain Melville White sends in his bill to the Peruvian Government for 292,174 l., and he deserves to have this sum, large as it is, to the uttermost penny. Even 'Punch' acknowledges the justice of Captain Melville White's claims for compensation for having 'been treated with gross cruelty by the Peruvian Government, in having been arrested on a frivolous and unfounded charge, cast into prison, and subjected to brutal violence at the hands of soldiery and ruffianry, for which the Peruvian courts of justice, comically so called, denied him redress.'

"And Earl Russell and the law adviser of the Crown professed to think 4,500 l. a sum large enough to compensate Captain Melville White. We wonder how Her Majesty's Government can offer such a paltry sum of money to a man who rendered the State such efficient service, during that deplorable Indian Mutiny; going all the way from England, at his own expense, and training the Naval Brigade, and bringing it to the assistance of one of the brave officers of that bloody time, just at the very moment it was required. Of that act of Captain Melville White's career, Major General Sherer, who commanded at Julpigoree during the Mutiny of 1857-8, has gratefully and warmly spoken, as well as others of the Indian officers.

"Captain Melville White has borne himself throughout life as a brave and honourable Briton ought: it seems hard that he should be brought at last to sue, *in formâ pauperis*, of the British Government for his bare rights.

"There is a wide deficiency between 292,174 l. and 4,500 l. we admit; but, after a careful examination of Captain Melville White's case, we feel firmly persuaded that the amount of his compensation should approximate more to the first-named sum than the latter."

"The Banffshire Reporter," Saturday, 30 May 1863.

"The Case of Captain Melville White.

"A week or two since, in the House of Commons, were read the various claims for compensation made by Captain Melville White against the Peruvian Government, for false imprisonment for a crime of which he was proved to be perfectly innocent, and for maltreatment and injury to his health, through the brutal usage he was subjected to. Not

a few of the claims did seem large; and, in the aggregate they amounted to 200,000 *l.* or 300,000 *l.*; but the claimant, who served as a volunteer, and held a command in the Naval Brigade, during the suppression of the Indian Mutiny, and produces high testimonials from superior officers, has addressed a very strong letter to Earl Russell, in which he shows that the treatment to which he was subjected was of the most barbarous kind, and that the claims he makes are not larger than had been enforced by the French Government for similar treatment of French subjects of less rank. He is particularly severe upon the conduct displayed by Mr. John Barton, who at the time was British Consul at Lima, and who seems to have been better cut out for pandering to the Peruvian officials than for affording protection to Her Majesty's subjects, and altogether unfit for his post. In Captain Melville White's pamphlet, copies of which he has sent to the public press, there is a very full exposure of that unscrupulous tyranny and disregard for justice, which have ever been the characteristics of the petty despots, who are one day beggars or brigands, and another day the chiefs of some of those half caste communities styled republics, which have been, and still are, the curse of South America."

"The Spectator," London, 30 May 1863.

"The case of Captain Melville White, whose treatment by the Peruvian Government was too disgusting and horrible for us to detail, will be brought before the House of Commons next week. This gentleman, who is well known to high Indian officials, and has strong testimonials from many of them, amongst others from Sir F. Haliday, the late Lieutenant Governor of Bengal, for his services during the Mutiny, was seized on the 23d March 1861, on the pier at Callao, and imprisoned for 9 months and 17 days, without a trial of any kind, under a charge which the Peruvian Government have confessed to be wholly groundless. He was not only causelessly confined during this time, but wounded and pricked with bayonets, imprisoned in the foulest and most loathsome places, obliged to lie down among human excrements, kept without food for days together, and all without any exertion on the part of the English Consul, Mr. John Barton, who certainly seems to have done absolutely less than the French Chargé d'Affaires to vindicate the honour of the English flag. None of the circumstances of the case appear to be either disputable or disputed, and the only question that can arise will concern the amount of compensation to be demanded. Consider that Captain Melville White lost a most valuable contract given to him by the Ecuadorian Government, the net profit of which he estimated at 20,000 *l.*, by this infamous treatment, besides losing his health and his eyesight. Such injuries are exciting; but the French Government have demanded as much as 200 *l.* per diem compensation for the unjust imprisonment of a French subject, Zuderel, during only 20 days; and another, a cooper, Rosé, was handsomely compensated by 1,600 *l.* for two blows with the fist. At this rate, Captain Melville White's compensation should certainly be enormous; and though our Government will scarcely be willing to take French exactions as their model, it would be a premium on crime to let the Peruvian Government off for their intentional wickedness for such a sum as that."

"Bell's Weekly Messenger," London, 8 August 1863.

"We have now the papers which have been laid before Parliament respecting Captain Melville White's case, which Mr. Layard acknowledges to have been 'one of the worst ever brought to his knowledge.'"

"Captain Melville White is a man who deserves well of his fellow-subjects. At his own expense he went to India during the mutiny there, and trained the Naval Brigade as a volunteer; of his usefulness in this unpaid-for service he has abundant testimonials. Subsequently, visiting Peru on business, which bade fair to have been extremely profitable, he was accused of firing at Grand Marshal Castilla, in the streets of Lima, and wounding him in the arm. Captain Melville White was, fortunately, at the time the marshal was wounded, more than 1,000 miles away from Lima. The Peruvian Government have confessed this fact; it is satisfactorily shown that they knew it at the time; and they have further confessed that they had no charge whatever to make against him; and yet they allowed their victim to be imprisoned for 10 months, beaten, wounded with bayonets, and kept in a cell, seven feet by nine, totally destitute of furniture, unless an iron pan used to contain boiled rice may be so designated. The injury to his health through such treatment may be easily imagined, and the only wonder is that he escaped with life. All this time the Peruvian Government assured the English Consul that Captain Melville White was detained in an 'airy and commodious apartment, and supplied with everything that could conduce to his comfort.' When Mr. Barton, the British Consul, was asked why he did not interfere, he replied that he dared not do so until after he had reported the case at home, and received instructions from the British Foreign Minister. The O'Gorman Mahon interfered, and through his determined energy Captain Melville White was released. Now came the question of compensation. The French Government exacted 200 *l.* per day for a French peasant similarly treated, and for other Frenchmen in due proportion to their rank; but then, luckily for them, the French have a Napoleon to look to. In the case of Captain Melville White, the Foreign Office suggested 4,500 *l.*; and when that paltry sum was indignantly refused, the case was committed to the arbitration of the Senate of Hamburg! While the matter is thus under discussion, let us remember that there have been several instances of British subjects tortured, imprisoned, and murdered (the word is not too strong) by the Peruvian Government. If, therefore, we are to have British commerce and British interests

interests protected at all, such a Government as that of Peru ought to be made to feel that British subjects are as much cared for by the authorities at home as those of Napoleon III.; and that if they are incarcerated, tortured, and slain, the pastime, however exciting, is one which will cost dear to those who indulge in it."

"The Dorset County Chronicle," 20 August 1863.

"It was certainly the greatest boast of ancient Rome that the simple words 'I am a Roman citizen' ('*Civis Romanus sum*') was, under almost all possible complication of circumstances, a safeguard to him who was qualified to use them. Rome had many faults; she was not always grateful to her best and bravest sons; but she always knew that the slightest insult offered to her humblest citizen was an injury to her whole state, and that no state was so mighty and no monarch so magnificent as to be permitted with impunity to indulge in such an offence. This was her traditional policy, learned under her republican institutions, and retained when those institutions had crumbled away under the heavy blows of Cæsar and his imperior successors. The Apostle Paul could make the magistrates of a far-off land tremble at their misdoings by simply reminding them of his political rights; and it stands clear before us that Nero himself, tyrant and madman as he was, would have permitted no infraction of these grand and majestic privileges. The only nation which at this moment stands in a similarly proud position is that which has a Napoleon on the throne.

"French subjects may and do enjoy, whatever they may say to the contrary, far less liberty than we do on this side of the Channel; but the honour and dignity of the nation is far more ably and spiritedly maintained, and the rights of individual French subjects in foreign lands far more universally and more successfully vindicated. In the short narrative which we are about to lay before our readers it will be shown how differently the wrongs of a French subject are viewed in Paris and those of an English subject at our Foreign Office, and in what manner the Ministries of the two countries treat other countries who outrage those under their respective protection. We do not take the civilization of Peru as worth much (it is many degrees lower than it was in the time of the Incas), but still, as it claims to be a civilized nation, and affects to treat on equal terms with England and France, it must be held to its good behaviour, and made to understand the rules of international intercourse.

"We all know that the normal state of Peru is one of tumult and civil war; their almanacs cannot publish the names of president and ministry, because these generally depend on a guerilla warfare going on at the time; but among the many soldiers of fortune who have lately held the reins of power in that most unhappy country, Don Ramon Castilla stands pre-eminent for unpopularity. In the year 1860 this hero, walking in the streets of Lima, was made the mark for a pistol-shot, and wounded in the arm. The man who fired the shot was known, and it would not have been difficult to bring him to justice; but nobody took any interest in the matter. Castilla, however, was extremely desirous of concealing his want of popularity, and considered it better to allow the attempted murderer to escape than to have it supposed that any native Peruvian sought his life. But, though deliberately making this choice he still felt, with the old English constable, that a great crime had been intended, and that it was necessary to make an example of somebody. Hang the right man if you can, but at all events let some victim be selected. In this case Don Ramon did not desire the real criminal to suffer, but the Peruvian Government were resolved on severity. Casting about for a proper person on whom to exercise it, they came to the conclusion that a British subject would be the safest. The relations between Great Britain and Peru had assumed a very quiet, easy-going aspect. The justice and dignity of the Republic must be vindicated; Don Ramon Castilla must have satisfaction; and it would be generally understood that if anybody shot at him, somebody would be severely punished for it. The gentleman on whom the choice of the Government fell, to be the vicarious sacrifice in this case, was Captain Melville White, a man well known in India as having at his own expense gone to that country, in the time of the mutiny, and drilled as a volunteer the Naval Brigade. He was in Peru on commercial business, and in a fair way of realising a large fortune. Now Captain Melville White had the evidence of the Peruvian Government's own witnesses and spies that on the day when the shot was fired he was at Tacna, which is rather more than a thousand miles from Lima; and this might have been considered as a fortunate circumstance, and would have been so anywhere but in Peru; as it was, the evident innocence of Captain Melville White was no small disadvantage to him. The Peruvian Government confess that he was apprehended without any reason; 'that they had not the slightest ground for believing him guilty,' and consequently did not bring him to trial. He was, however, dragged through the streets of Lima, repeatedly knocked down, severely beaten, wounded in many places with a bayonet, and at last thrust into a loathsome dungeon seven feet by nine, totally destitute of furniture, unless an iron pan be so designated. Here he was fed with boiled rice mixed with dirt and hair, not permitted for a long time to see any friends, and, in fine, his captivity lasted 10 months! The result of this was that all his commercial prospects were blighted, his health miserably shattered, and his sight greatly impaired. In that dungeon he would have remained till his death, but for the exertions of The O'Gorman Mahon, who, happily for Captain Melville White, chanced to be travelling in Peru at the time. He interfered, and did the duty of a British Minister; and finally succeeded in opening the doors of the prison, and setting free a most injured and oppressed man. But had we no Minister at Lima? Oh yes, we had, and he allowed Captain Melville White to remain in prison while he sent over to England for

instructions how to act! Mr. John Barton, that is the individual's name, stated that he dared not demand the release of a British subject under such circumstances. Now, let us turn to the French case. A mere peasant boy, named Zuderel, was seized upon by this same Peruvian Government; his release was at once demanded by the French Minister, and refused. He sent to France for instructions, and the reply came in the shape of a line-of-battle ship and three frigates, with orders to fire on Callao if Zuderel were not released in 24 hours, and 200*l.* per day paid to him for his unjust incarceration. We hardly require to be told that French subjects are safe all over Peru, and that when the French Minister makes his appearance at the prison, the guards turn out and present arms; while they pointed at Mr. Barton with their cigars, and said 'Ah! he is only the English Minister.' This is not the only instance in which such a difference might be observed. It is not too strong a term to use if we say that two other Englishmen have been treated by the Peruvian Government in a way similar to Captain Melville White, and have been murdered, because they had not the strength of constitution to bear up under what nearly killed him. It is probable that we should have had Captain Melville White's case hushed up as many others have been, but for his own admirable energy; the energy of The O'Gorman Mahon; and Mr. Layard, who declared in his place in the House of Commons, that the case was 'one of the worst that had ever come to his knowledge.' As it is, the case is referred to the arbitration of the Senate of Hamburg, and thus for the present the matter rests. It is one in which every Englishman who travels is deeply concerned."

The foregoing judgments of the press on claimant's life and tortures may prove of interest to the Arbitrator, as may also the following analysis of the Expediente, to which the Arbitrator's attention is respectfully, but particularly requested. A duly translated and legalised copy of the Expediente accompanies these claims.

This Expediente (Process) is the document for which the Peruvian Government, after having for 10 months infamously tortured claimant, compelled him to pay 20*l.*, which sum he was obliged to pay in order to ascertain the nature of the charge which had been preferred against him. The careful perusal by the Arbitrator of this Peruvian state document cannot prove otherwise than deeply instructive.

ABSTRACT OF THE EXPEDIENTE (PROCESS).

Page 140 (13 January 1862). The Arbitrator will find claimant's petition of this date, three days after his liberation, asking permission from the courts to inspect the process which the Government inquisitorially formed against him.

Page 2 (15 January 1862) will be found to contain another petition of claimant's, dated five days after his liberation, begging of the court to furnish him with a copy of this inquisitorially formed process.

Page 3 (23 March 1861) contains a document from Nicholas Freire, Préfet of Callao, wherein he advises the Peruvian Government of claimant's seizure; asks what he shall do with claimant, and formally accuses claimant of being the assassin of President Castilla. This accusation is made, the Préfet states, by one Manuel Romero.

Page 5 (26 March 1861) contains a copy of the forged writing which Judge Ponce compelled claimant to sign, but under protest, in order to avoid additional torture.

Page 9 (27 March 1861) contains a copy of claimant's protest against this judge's conduct, to which protest no attention was given in claimant's behalf. It also contains the decree of Judge Ponce (28 March 1861), asking the Government to furnish him with all "the data relative to Melville White."

Page 12 (3 April 1861) contains a false statement of Judge Ponce's secretary, José Banda, touching claimant's refusal to take money from the police.

Page 13 (5 April 1861) contains a similar declaration from the gaoler, J. M. Carrillo. It also contains a declaration of equal tenor from Manuel Milan, a convict and sweeper of the prison.

Page 15 (5 April 1861) contains a declaration from Florentine Ollarzu to a similar effect. This man had just then terminated, as a convict, years of confinement in the Inquisition.

Page 17 (9 April 1861) contains the despatch of Manuel Morales (Peruvian Prime Minister), charging claimant with having attempted to murder President Castilla on the 25th July, 1860, in the streets of Lima, and instructing Judge Ponce to put himself in communication with David Douglas, "the German," and Manuel Romero (two notorious spies of the Government), who, the Minister states, shall "swear the criminality of Melville White"!

Page 20 (3 May 1861) contains the affidavit of H. Michael, purser of the steamer "Bolivia," the substance of which declaration is, that Mr. Michael "had seen the Irishman, Melville White, travelling in the steamers on the Pacific coast of South America for about a year and a-half.

Page 21 (3 May 1861) contains the deposition of Robert Hart, mate of the steamer "Bolivia." The substance of this declaration is, that Mr. Hart "had observed Melville White travelling by the various steamers plying on the Pacific coast of South America, sometimes as first-class and sometimes as second-class passenger, very rarely speaking to the officers of the ship or his fellow passengers." Mr. Hart also declares, that "he has not the remotest idea whether Melville White had or had not attempted the life of President Castilla."

Page 22 (3 May 1861) contains the affidavit of Andrew Wilson, steward of the steamer "Bolivia;" the substance of whose declaration is as follows: "He had seen Melville White travelling in the steamers on the Pacific for about a year, during which time he had seen him drink only two glasses of liquor, with two friends; deponent saw Melville White with gold coins; deponent does not know whether Melville White is possessed of a large fortune; deponent believes Melville White travels wholly for his own pleasure."

Page 26 (10 April 1861) contains the deposition of Manuel Romero, a near blood relative of President Castilla, declaring that Captain Thomas Melville White, if he was not the assassin of the President, had at least knowledge of the person who fired the shot."

This spy, Romero, appears from the process to be the principal witness of the Government; but he declares that he so swears because some other person told him that "Captain Melville White was a mysterious person."

Page 33 (11 April 1861) contains the deposition of Joseph Morales Bermudez, Préfect of the province of Arica, whose declaration being a very important one, is here given *in extenso*. On being sworn by the judge, Señor Bermudez was interrogated thus:—"State the causes which induced you to ask for an officer from the Port Captain's to take charge of, on the 18th March 1861, in the Port of Arica, Melville White, who was supposed to be the assassin of the President." Señor Bermudez replied, that "on the 18th of March, 1861, between noon and one o'clock, p.m., Mr. Manuel Romero, Commander of the Coast Guard, presented himself at the Préfecture, and stated that in the steamer "Bolivia" there was in transit an Englishman named Melville White, whom he knew, by more than sufficient data, to be the assassin of President Castilla, and was the party who knew all about the assassination."

Señor Bermudez being questioned touching his further reasons for thus making claimant a prisoner, replied:—

"In addition to a long account which Romero gave me of the movements of Melville White, both in this Republic as well as in the Republics of Bolivia and Chili, Romero presented to me a letter from President Castilla, in which he manifested the liveliest desire for discovering the whereabouts of Melville White."

Señor Bermudez being further asked by the judge "whether he had, prior to that date, ever heard anything spoken against Melville White," replied, that "up to the day mentioned, he had never heard anything said against Melville White."

Page 35 (11 April 1861) contains the depositions of Peter Joseph Carreno, Captain of the Port of Arica. The substance of this declaration is, that "Manuel Romero, Captain of the Coast Guard, went to deponent on the 18th March, 1861, and told him that, 'without any consideration or thought,' he desired officers to take into custody Melville White, who was going by the steamer, and whom, Romero told deponent, was the assassin of General Castilla."

"Asked, if before the 18th March, 1861, he had ever heard that Melville White, who was then on board the steamer, was the assassin of President Castilla?" He replied that "he had only the words of the commander of the coast guard (Romero) to that effect, and of no one else." That "he did not know Melville White"; and that "he only saw Melville White at the moment of the vessel's departure, when he was pointed out to deponent by the purser of the ship."

Page 37 (11 April 1861) contains the deposition of Charles Worm, a Dane. On being sworn, the judge asked him "whether he had known Melville White in the Port of Arica, in a state of poverty, trying to get up a subscription for himself?" He replied, that "he did not know whether Melville White endeavoured to raise a subscription or not; but he did know that he endeavoured to negotiate funds. He also knew, that on Melville White's departure from Arica he left a bill unpaid at his hotel, the amount of which bill he remitted immediately on the ship's touching at Islay."

"That he had met Melville White at Tacna about eight months previously, when he asked deponent what was going on in Arica."

"That he heard Melville White talk as though he had travelled throughout the world; and to the best of deponent's knowledge and belief, Melville White spoke truly; deponent believes he has travelled everywhere."

"That his principal acquaintance with Melville White was by sight only."

Page 38 (12 April 1861) contains the deposition of David Douglas, who calls himself a Scotchman, by trade a "woollen-yarn dyer." This individual is notorious as having been, for many years, the spy, the pimp, of General Castilla. This pimp is, after Romero, his confederate, the principal witness of the Peruvian Government. This man declares as follows:—

"I knew Melville White at Corocoro, Bolivia, living as a guest at the mansion of Mr. Thomas Pearson, an English merchant of high standing. I also saw Melville White at the house of Mr. Peter Cazo, of the same city. I told Romero that I thought Melville White was co-operating against General Castilla, with and in favour of General Echenique. I did not like Melville White; Melville White had a bill of exchange for 800 dollars, and another for 500 dollars, drawn in his favour on Mr. Michael Benavidez, of Tacna, by General Echenique, and President Linares. I believe Melville White to be the assassin of President Castilla, because Emetrio Maldonado told me that he believed Melville White to be the assassin. Melville White was a great friend of the President of the republic of Bolivia; and had, at all times, free access to the palace.

"I heard Melville White say repeatedly that he had been a Naval Captain in the service of the East India Company; that he had served in India during the late insurrection, and that he knew the languages of India.

"I doubted this, but I found him a well-informed man. I knew General Castilla well; he lodged in my house during his imprisonment in Bolivia, after the battle of Ingavi; since which time I have been in constant correspondence with him."

Page 43 (12 April 1861) contains the deposition of Mrs. Isabella Amie, hotel proprietress, at Arica, to the following effect:—

"I know Melville White; he has, during the last year, lodged on two occasions at my house; the last time, he left without settling his bill, but he sent me the amount from Islay, where the ship, in which he went, first touched. He resided a third time at my house in company with two ladies and a young gentleman, friends of his, in company with whom he was travelling. On this occasion I remarked that Melville White looked sad and thin."

Page 45 (13 April 1861) contains the deposition of John Williams, the keeper of a tap-room at Arica, and a great favourite of the Peruvian Government. This man has made a large fortune out of the misfortunes of unsuspecting European seamen. From a position very like that of a stable-boy, he has sprung into the more lucrative, though despicable one, of spy, even on poor hard-working seamen, to the Peruvian Government. This man swears:

"Carlito Peralto told me to receive from Melville White 1*l.* 5*s.*, which he owed to Mrs. Dorra.

"I know very little of Melville White, but I have heard him say that he was a captain in the East Indies.

"I have heard from Lima, only since Melville White's arrest, that he was the suspected assassin of President Castilla."

Page 48 (16 April 1861) contains the affidavit of Mrs. Isabella Palacios Dorra, hotel-keeper, at Tacna, who declares:

"Melville White lodged at my hotel on four occasions; I know him personally; he assured me that he was an Irishman and captain.

"On the 21st of July 1860, he came to reside at my hotel, and continued to reside at my house until the 28th of the same month, a week's stay.

"He showed in my house a great deal of affability, and his conduct was irreproachable.

"I do not know what was planned in my house by Douglas and Romero, ascribing to Melville White the assassination of President Castilla.

"Melville White used to occupy himself much in my house reading newspapers, and teaching my son the English language."

The arbitrator will perceive the important bearing which this deposition has on claimant's whole case.

Page 51 (16 April 1860) contains the deposition of Michael Benavidez, Consul at Tacna, for the Republic of Buenos Ayres, and one of the most influential merchants in Peru. In substance his declaration is thus:

"What David Douglas and Manuel Romero have sworn against Melville White, relative to his intercourse and pecuniary transactions with me and others is absolute perjury; I have never seen, spoken to, or even heard of Melville White heretofore."

Page 53 (17 April 1861) sets forth the declaration of Carlito Peralto, a farmer, who swears

"I know the Irishman, Melville White. What John Williams has sworn against him I know to be false. Melville White never owed me, and I never asked him for, any money whatsoever. Melville White used to visit a refreshment-room which I kept in Tacna; by this means I was enabled to know him.

"He told me that he was an Irishman, and had come from the old world to travel among the Indians in South America. I wanted to sell him a saddle for 40 dollars, and he declined purchasing it at that price.

"Louis Dorra told me that Melville White was an English captain, a great man, spoke various languages, and accompanied General Belzu to Europe."

Page 56 (18 April 1861) contains the affidavit of Louis Dorra, hotel-keeper, at whose house claimant resided whenever he was at Tacna, who swears:—

"All that my lawful wife Isabella Dorra has sworn respecting Melville White is true. I have nothing to add to her declaration; I never told Carliso Peralto that Melville White accompanied General Belzu to Europe; I did tell him that Melville White was a captain, and spoke many languages."

Page 57 (20 April 1861) contains the deposition of Patrick Dowling, merchant tailor, of Tacna, who swears:—

"I knew Captain Melville White, I used to work for him; he told me that he had served in India, supporting the power of the English; that the infirmities which he there contracted compelled him to retire in search of health.

"Melville White speaks fluently French, German, English, and even Latin. He has received a good education, and is both affable and cheerful.

"I have heard that Melville White is now lying in prison in Lima, accused of being the assassin of President Castilla.

"I have no motive for asserting or denying the accuracy of this charge, but from the character and noble sentiments which he has shown, I do not think him capable of committing so horrid a crime."

Page 60 (27 April 1861) contains the affidavit of Armando Louis Blondel, of Tacna, the most extensive mining merchant in Peru, who swears:

"I know Melville White personally. He has visited me repeatedly. I always observed the very best conduct and manners on his part. I became, in consequence, much interested in him, and introduced him to my partner. I know he is a British subject. I know not whether he is single or married. At the end of July 1860, Melville White visited me at my office at Tacna, solely for the purpose of paying his salutations. I do not know whether Melville White has ever been in friendly relations with General Echenique, late President of Peru, and President Linares of the Republic of Bolivia.

"I have lately learned that Melville White is accused by the Government of Peru of having attempted to assassinate General Castilla, on the 25th of July 1860, in the streets of Lima; but I have the very best of reasons for knowing that he could not be the author of that horrible attempt, for, as I have already stated in this declaration, Melville White presented himself at my house in Tacna, 1,000 miles distant from Lima, without any other object than that of paying his respects, at the end of last July, while the crime of which he is accused was committed on the 25th of the same month."

Page 65 (25 April 1861) contains a second deposition of the Peruvian spy, Samuel Francis Romero, near blood-relative of Castilla, wherein this spy swears:

"Mrs. Dorra must have made a mistake in swearing that Melville White was in Tacna on the 25th of July 1860, because I have sworn that it was in June that he was there."

Page 66 (25 April 1861) contains a second deposition of the pimp, David Douglas, a notorious spy of the Peruvian Government, a woollen-yarn dyer by trade, having a daughter at that moment, and for years previously living "under the protection" of the dissolute Castilla. This spy swears:

"I went on the 9th of last November to Mr. Patrick Dowling, to sound him about Melville White, who, Mr. Dowling told me, he considered a mysterious person. I told Mr. Dowling that was my opinion of Melville White."

Page 68 (29 April 1861) contains a second declaration from Mr. Patrick Dowling, who swears:

"I confirm, in all parts, my former declaration respecting the Irishman, Melville White.

"I said to Douglas that Melville White was mysterious, simply because he was such an enthusiastic traveller."

Page 70 (2 May 1861) contains a second deposition from Mrs. Isabella Palacios Dorra, proprietress of the hotel at which claimant invariably resided during his visits to Tacna. Mrs. Dorra swears:

"I wholly reiterate what I have heretofore deposed respecting Melville White. Melville White arrived at my hotel, 'Golden Lion,' in Tacna, on the 21st of July 1860, and remained at it until the 28th of the same month, when he took his departure for Bolivia, which facts are recorded in the books of my establishment, wherein are recorded the accounts of all my boarders, and the dates of their arrivals at, and departure from, my hotel.

Page 77 (16 May 1861) contains a despatch from Judge Ponce to the principal judge of Callao, instructing him to "discover all the movements of Melville White, the British subject, believed to be, and accused of being the person who, on the 25th of July 1860, attempted to assassinate President Castilla, in Lima"; and that "Melville White has been, before the 23d March 1861, imprisoned in Callao."

Pages 75, 76 (various dates, from the 25th to the 28th May 1861, inclusive) contain despatches from all the judges of Callao, saying:

"We know nothing whatever about Melville White.

"We have never issued any order of arrest against Melville White.

"There is not any record in our books of Melville White ever having been imprisoned in Callao."

Page 76 (29 May 1861) contains some slight notice of claimant's protests to Judge Ponce, against the atrocious acts of this judge and his Government against claimant. Claimant is here represented as having on that occasion addressed Judge Ponce thus:—

"I protest against the treatment and judgments that I am suffering, against my imprisonment, and against all the proceedings taken against me."

Page 78 (28 June 1861). Judge Ponce, in a despatch to the Judge of Arica, charges:

"In the name of the nation, Melville White with having tried to assassinate General Castilla, on the 25th July 1860, in the streets of Lima."

Page 99 (26 June 1861) contains the deposition of James Brain, of Iquique, by occupation a huckster, who swears:

"I made, in October 1860, a passage from Iquique to Callao.

"I saw, in the port of Islay, Melville White come from aboard the ship "Respigadera," on board the steamer "Bolivia," in which I was at the time travelling.

"I, being an Englishman, put to him, as a countryman of mine, some questions, to which he did not reply. He simply said he was going to Callao.

"Melville White was negligently attired whenever he appeared on deck, and I did not see any luggage with him.

"During the whole voyage he occupied himself in reading a book.

"I became very curious to know who this individual was, so retired from everybody, and whether he was known on board the steamer.

"With this object, I questioned several persons on board the steamer, who told me that they knew Melville, but that they did not know his occupation; that he was constantly travelling in the steamers on the Pacific; and the steward of the steamer told me that 'Melville White was suspected of being a spy of the English Government.'

"On arrival at Callao, I saw two decently dressed ladies shake hands with Melville, and salute him with much affection. I then became occupied in looking at a vessel, and I saw no more of Melville White or the two ladies.

"About two hours afterwards, I met the two ladies and Melville White, dressed as when on board the steamer. He was carrying a bag with silver or gold, but I do not know the contents of either metal. I cannot remember whether it was on the same day or in the afternoon that I saw Melville in Macaderes-street, Lima, when I said to him, in English, 'Good afternoon!' He did not reply, at which I was much surprised. He was elegantly dressed.

"I saw Melville White the following day in Callao. He was dressed in the same clothes which he wore during the passage on board the steamer.

"I embarked, and returned to Iquique, and saw no more of Melville White until he came down in the same steamer, "Bolivia," in which same steamer also travelled General Echenique."

The Peruvian Government, in their infamous machinations against claimant, relied much on the foregoing statements of the man Brain, the huckster, whom they well paid for it, no doubt. It is so peculiar an official document, that claimant could not refrain from here inserting it, *in extenso*, for the consideration of the arbitrator.

Page 102 (8 August 1861) contains a despatch of an Attorney General, a man named John Portal, commanding that "An order of arrest be issued against Melville White." Claimant had been at that time nearly five months in the dungeons!

Page 106 (20 August 1861) contains what Judge Ponce calls "Confession of Melville White." This confession may be of importance to the arbitrator; it is therefore given here, as recorded in the Peruvian State Documents, as having been uttered by claimant to Judge Ponce. Claimant says:

"I protest against the acts of the Peruvian Government towards me as diabolical. I protest against the brutal tortures to which I have been, by the Peruvian Government, subjected for the last five months. I protest against the gross inhumanity of keeping me for several days without food.

"I demand that I be immediately furnished with documentary and other information touching the pretexts upon which I have been consigned to these dungeons, I thus demand, in conformity with my written petition of the 20th of July last, illegally and unjustly rejected by Judge Ponce. I again most solemnly protest against all the horrible proceedings of which the Peruvian Government have made me the victim, from the moment of my seizure, at the points of bayonets, on the quay at Callao, on the 23d of March 1861, until forced before unknown inquisitors, in the chapel of this establishment, and by means of a guard of armed soldiers, compelled to sign a false document, under the most detestable threats, notwithstanding my repeated verbal protests against such acts.

"Finally, I protest firmly and solemnly against the utterly barbarous course that the Peruvian Government and their agents have doomed me, innocent of crime, to undergo."

Page 139 (28th August 1861) contains the accusations against claimant of an Attorney General of the Peruvian Government, a man named John Portal. This accusation is here given *verbatim*, and is as follows:—

“The Attorney General, accusing Thomas Melville White, says: That, on the 23d of March last, the Supreme Government had notice and vehement suspicions that the accused had been the author of the crime perpetrated on the night of the 25th of July 1860.

“It is not so difficult that such an imputation should be believed, when it was clearly stated that Don Manuel Romero is formally informed that the said Melville is the assassin of His Excellency General Castilla. Opening the proceedings at whatever of its pages, it is noticeable, on perusal, that that mysterious man, as his countrymen the Scotchman, Don David Douglas, calls him, had wandered about the coast and centre of the Republic for more than a year without having any office nor any known object in his multifarious voyages to Bolivia, with which place we were in hostilities. He could not have any commerce or business as regards the attainment of any scientific or pecuniary result, nor did his idle and poor life afford any guarantees of any kind for raising in his favour any hand protective of his totally unknown projects.

“Without any fixed residence, recommendations, or any honourable antecedents known in the country, it is not possible that any foreigner of errant life and unknown customs, should inspire the slightest confidence among people whose institutions are for their own security. Sufficient reasons, therefore, have those of the Government not to admit into their dominions any save persons who have some employment, or impart or bring in productive capital. Melville says he is a sailor of high rank, notwithstanding we see him devoted to wandering sad and poorly through the coast and deserts of our territories, undergoing the greatest vexations and privations, and committing faults unworthy of persons jealous of their reputation; travelling on credit; leaving debts at every place he crosses, and attacking capitalists with requests that are denied to him; living *incognito*, and only issuing from his retirement to speak against the present state of political affairs.

“He comes to and goes from this capital in different attitudes, and his means of subsistence it is impossible to ascertain. He does not prove where he was on the 25th day of July 1860, and the authorities of the South became alarmed at him when, after that catastrophe, they saw him make his appearance again on those shores, believing him capable of such an attempt, from the words that they had heard him utter beforehand at the hotel of Mrs. Dorra, and still more confirmed by the declarations that have been taken from the different parties who have attended there, and which appear in these proceedings. But all these investigations, regarded judicially, do not give sufficient conviction to believe Melville White guilty of so atrocious a crime, notwithstanding that Senor Romero, in his declarations, expresses himself clearly, and says that, ‘If Melville White is not the assassin of the President, at least he knows who is, and that he knows this from a person who is in Corocoro.’ This accusation is fully conclusive, and proceeds from none other than a political and official authority. If the declaration to which Romero refers had been taken, all doubts would have disappeared. Examining now the tenor and spirit of the declarations extant given by the foreigners, Andrew Wilson, Charles Worms, David Douglas, Isabella Amie, Patrick Dowling, and Mrs. Dorra, what is to be observed? That all in uniformity show the bad courses of Melville, who is taken for a spy, and who passes his life as a vagabond, devoting himself to this life for sinister purposes. For where can the suspicions fall that are inspired by a wandering foreigner, who to-day is well-dressed, and to-morrow badly; who to-day speaks badly the language of the country, and on the following day speaks it perfectly; who is in constant communication with places wherein reside enemies of the Republic; who one day has money, the next bills of exchange; and who yet leaves debts which, even up to the present time, are unsatisfied. Is such the proceeding of a man of good habits and pure faith? Certainly not, for he who has good intentions towards the country in which he is residing, does not seek to cause the slightest note in regard to his individualism.

“Thomas Melville White, according to his own confession, has been for more than a year in our territory without any known domicile, and without any intercourse with our society, because occupied in his wandering life, very foreign to a foreigner, he has devoted himself to attracting towards him the public attention, worrying or distracting the Government and its subalterns from their ordinary avocations.

“When a foreigner treads a foreign territory, he should behave himself with morality and order, because otherwise he becomes liable to the principles of international rights, whereby Sovereigns are empowered to expel from their dominions all such persons as under aspect are prejudicial to them. This is so laid down by Vattel and the most modern treatise writers. It remains proved that the most decided accusers of Melville are his own countrymen, in whom his obscure conduct had inspired profound repugnance. For these reasons, and the right that every nation has to reject from its bosom any foreigner who has inspired suspicions of evil conduct, the undersigned is of opinion that Thomas Melville White be condemned to leave the Republic, and prohibited from again returning to it.

“Portal.”

“Lima, 28 August 1861.”

Page 116 (26 September 1861) contains a defence of claimant made by some lawyer whom claimant never saw nor spoke to. This defence is given here *in extenso*, and is as follows:—

“I, Don Pablo Mora, on behalf of Thomas Melville White, in the proceedings pending against him for the attempted assassination of the person of his Excellency the President of the Republic, Grand Marshal Don Ramon Castilla, in reply to the copy of the accusation of the Attorney General, say that, in justice, your Honour must be pleased to disregard that accusation as unfounded, contrary to the merits of the case, and all acts of reason and of law; and to finally and fully absolve the accused in pursuance of what I now proceed to state:

“Melville White having been accused of the crime of having fired the shot which wounded General Castilla, on the 25th of July 1860, no pains have been spared to discover the truth of the accusation, and in everything appears clear the complete innocence of my client, who is unblemished by the slightest stain, notwithstanding that an immediate relation of his Excellency the President afforded or supplied the data that cast suspicion upon the accused, and that both Don Manuel Romero, actuated by his affection, and Don David Douglas, out of thirst for gain and lucre, the exclusive origin of those suspicions, exhausted their utmost resources to render their statements well-founded, and gratify their respective aspirations. Nothing is therefore more natural than that the Attorney General should have acknowledged the inculpability of Melville White, and nothing more astonishing than that instead of proclaiming it with frankness, and fulfilling his sacred duty by adhering to the side of truth, protecting the right, and aiding the oppressed, he, without the slightest shade of justice, allowing of such oppression, has adopted the course of accusing Melville White, not of the attempted assassination of the President, but of acts utterly foreign to that affair, which, not being justified, can be entertained only by an absolute forgetfulness of criminal jurisprudence.

“It is true, that at the commencement of the accusation, it is established, that it is not difficult to give credit to the charge brought against Melville White, ‘If it is stated that Don Manuel Romero has been properly informed that the accused was the party who attempted to take the life of his Excellency;’ but it is also true that, laying aside altogether that proposal, that whilst the Attorney General does not show on what he bases the blind evidence he gives to the assertions of Senor Romero, he at once proceeds to relate that, ‘Don David Douglas qualified Melville as a mysterious man.’ That ‘Melville, on account of his poverty and strange life, inspires just suspicions in our nation, whose institutions are to secure themselves.’ That ‘Melville is supposed to be a sailor of high rank, wanders the deserts of our territory, travels on credit, lives *incognito*, comes forth from his retirement to speak against the present order of things, goes to and comes from this capital in divers attitudes, and alarms the authorities of the South, who believe him capable of the attempt of the 25th of July 1860, on account of the words that he uttered previously at a party given at the café of Mrs. Dorra.’

“Without staying to investigate where all those charges tend, and what stimulus the Attorney General has obeyed in giving them a place in his accusation, I shall note the inference he deduces from the acts. He says that, ‘The investigations made in this tribunal do not afford sufficient conviction for believing Melville White guilty of the atrocious crime imputed to him.’ And when he should have ended his judgment upon this assumption, and demanded the final absolution of the accused in order not to incur contradiction, he adds that,—‘Senor Romero, who is a public *employé*, and whose word is reliable, affirms that—if Melville White is not the assassin of Grand Marshal Castilla, that he knows who is, and that ‘This information was given to the deponent by a party living in Corocoro, whose declaration, had it been taken, would have removed all doubts that existed upon the subject.’

“It is readily perceivable that, although the Attorney General wanders painfully, although he places himself at discord with himself, by maintaining that the criminality of Melville White is no longer doubtful, and that there is no reason to believe him guilty, although he struggles with the merits of the proceedings, establishing that this ‘party’ was at the *réunion* given to Romero by Mrs. Dorra; and that the declaration of the Corocoro witness has not been taken, it being, however, true that he is none other than Douglas, although he places himself in antagonism to the prescriptions of right in giving to the testimony of Romero a merit that the law does not—at last, he states an immovable fact, he acknowledges the innocence of my client; and, whilst acknowledging the same, he inserted the vilest calumnies against him, of which the accusation is so loaded. When he came to that part of the accusation, the magistrate finds himself on practical ground—on the ground of the law, protective of inculpability and of right—of the law which, maintaining Melville White in possession of his innocence, did not bind him to prove where he was on the 25th of July, 1860; but did bind his accusers to proving that he was in the vicinity of the crime. In short, the Attorney General departed from the law, which holds for invalid the declaration of Romero, for it is founded upon that of Douglas, and that of Douglas because he supports it himself, and deduces the blame for events which he says happened in Corocoro, in the Republic of Bolivia, many months before the 25th of July 1860.

“Thomas Melville White being tried as suspected of being the assassin of General Castilla, as soon as there is no sign adverse to him, the express mandate of the law, and the strict rules of logic exact that he be declared innocent; but the Attorney General has not thought proper to pursue this course; and in order to deviate therefrom he appeals to the testimony of Wilson, Worms, Douglas, Dowling, and the ladies Amie and Dorra, and asserts

asserts that my client is a 'vagabond spy of the enemies of the Republic, irregular and immoral;' and demands that, 'in punishment of his crimes, he be banished from the country for ever, in accordance with the principles of international right that Vattel inculcates.' Anyone who, in a calm spirit, examines the declarations to which the Attorney General refers, will note that their meaning has been violated or perverted; and, even supposing that they did contain such charges against Melville, they would not deserve any attention, if it be a fact that the Republic has been at peace with all nations, and has had no enemies who would have employed my client in the character of a spy.

"It is only sufficient for a man to be accused of 'irregularities and immorality,' for him to be punished, without any proof rendered of the injuries his corruption has led to; and the only thing certain is, that my client is denominated a 'vagabond' by those individuals who, in his incessant voyages and roaming of divers climates, and visiting divers cities, cannot understand that he is seeking for his highly-gifted mind repose and satisfaction. Although all this were not upon indisputable evidence, no reasoning would be able to justify the scandalous attempt that would be committed, if, in accordance with the prescription of the laws of the Criminal Code, it be not stated or ascertained whether Melville White had or had not been guilty, and if, after not being tried in submission to an established rule, the Attorney General should have recourse to the Code of Nations to take from it the penalty that ought to be imposed upon the innocent Melville. It seems that the Attorney General has not dwelt upon the gravity of these objections, and that he has not noted that the treatise writer, by whom he is guided, notwithstanding his not being the best authority as regards philosophical rights, in nowise favours his theory. In fact, Vattel, coinciding with the ideas reigning in his time, deduces or infers, from the dominion that every nation has over its territory, the right of prohibiting the entrance of foreigners, a right which, being only exercisable after due publicity, most positively exacts, that as long as the prohibition does not exist, the same principles apply as regards the natives as to individuals from other countries. According to this opinion, and according to the feeling of those authors who judge that all men have a right of way to establish themselves in any part of the land, without any further condition save that of being protected, in the case of an honourable man, by the established laws, and the delinquent devoted to condign punishment; there is no other resource than to acknowledge that Thomas Melville White has not infringed any law of the Republic; and that in his character of an innocent man he cannot be punished either with banishment or any lesser penalty. Wherefore, I pray your Honour that, considering as answered the foregoing, that you will be pleased to order as I solicited at the commencement, such being but justice.

"Pablo Mora."

"Lima, 26 September 1861."

Page 121 (30th September 1861) contains a decree of the judge, William Carrillo, calling for the deposition of President Castilla in claimant's case.

Page 122 (18th September 1861) contains President Castilla's affidavit against claimant. President Castilla swears:—

"Owing to the multitude of official and private data that I have received, I am convinced, even to certainty, that the accused (in this case) is really and truly guilty. I knew Douglas at Cochabamba, Bolivia, and have ever since protected his family. I have a daughter of his now in Arequipa."

Page 126 (30th November 1861) contains the sentence of the judge of First Instance, a man named William Carrillo, against claimant. This sentence is here given in full, and is as follows:—

"In the criminal cause pending officially against Thomas Melville White, for the crime of a frustrated attempt of assassination, committed against the person of his Excellency the President of the Republic, Don Ramon Castilla, accused by the Attorney General, Mr. John Portal. In view whereof, and considering, first: That Thomas Melville White was brought to justice as accused of being the author of the crime of attempted assassination, committed upon the person of his Excellency Grand Marshal Don Ramon Castilla, President of the Republic, by firing a shot at him on the 25th July 1860, at seven o'clock at night, in Bishop-street, Lima, on his way to the Government House, whereby he was wounded in the left arm. Second, that in the summary or proceedings ordered to be taken, all the evidence possible has been adduced, the cause has passed through all its stages up to that of the pronouncing of sentence. Third, that Don David Douglas, a native of Scotland, and mining engineer, answering the citation made upon him by the Commandant of the Coast Guard of Arica, Don Manuel Romero, states: first, that being at Corocoro, in Bolivia, about the month of April or May of the former year, he was told that Thomas Melville White had said, at the house of Don Pedro Cazo, that he wished the downfall of his Excellency General Castilla; and that he should be replaced by General Don José Rufino Echenique; second, that the said Cazo, who is a great friend of the latter, communicated to him that in his house there had been a meeting, kept up by drinking, at which toasts had been given for the overthrow of the presidential chair of his Excellency General Castilla, and the elevation to the command of Don José Rufino Echenique, telling him at the same time that Melville White was going to do something astonishing in Peru, which Cazo said, on account of Douglas having told him that Melville White seemed to him a bad man. Fourth, that it being most amply justified in the process, that Melville White is a man of no known occupation; that he made frequent

voyages between Lima and Bolivia; that he was in contact with Echenique and Linares, of whom Douglas saw bills drawn in his favour, it becomes very necessary to suppose as very probable that Melville White was an agent of theirs in their attempt to overthrow from his command General Castilla, such being the idea that his countrymen had formed of him; this judgment being strengthened by White having shown himself sorrowful when Linares issued the decree of interdiction, it being then that he extended his voyages to the Republic of Chili, whither Echenique had transferred himself, both having come to Callao in the same steamer in March last. Fifth, that it not having been possible to discover from the books of the arrivals and departures of the steamers from the ports of Callao and Arica, the months and days upon which Melville White must have been in Lima, the Court is compelled to rely upon the merits of the declarations of Mrs. Isabella Dorra and Mr. Louis Blondel, residents of Tacna, not considering Melville as the material author of that atrocious crime. Sixth, that the law requires, in order to impose a penalty, that the delinquency of the criminal should be demonstrated with all clearness. Seventh, that every State has a right to expel from its bosom all wandering or vagabond foreigners; and more especially so when they appear to be suspected of being complicated in the gravest crimes.

“ SENTENCE.

“ Upon all which grounds, and all others arising in the suit, and the opinion given by the Attorney General, I sentence that: I ought to acquit, and do acquit, Thomas Melville White as regards complicity in the crime of which he is accused, and generally from co-operating to upset public order; but he must be expelled from the territory of the Republic, without ever being allowed to return to it. And by this my sentence, which shall be consulted by, or forwarded to, the superior tribunal, if no appeal be made within the legal term, definitively judging in first instance, I pronounce, ordain, and sign.

“ Lima, 30 November 1861.”

“ *Guillermo Carrillo.*”

Page 131 (11 December 1861) contains another accusation against claimant, of another Attorney General, a man named Valle, to the Superior Court. This accusation is here given in all its parts, and is as follows:—

“ Most Illustrious Sir,—The Attorney General says that the proceedings cast very well-grounded suspicions that Thomas Melville White, if he was not the perpetrator of the crime of which he is accused, at any rate he is an accomplice, and acquainted with the conspiracies which have been got up to disturb public order; but it having been impossible to obtain a conviction of his criminality as required for the imposition of any penalty by the law, his absolution from the case is in accordance with right; for although those suspicions are not sufficient to declare him criminal, they are so in the opinion of the Attorney General to hold him only as free from the proceedings that have been taken against him, and which may be opened afresh with any better evidence that can be obtained, but not of the crime which has given rise to it, which is what the laws determine for cases similar to the present. The same does not happen with regard to his expulsion from the territory of the Republic. This order, which contains a condemnation, is in contradiction to his release from the court; and the conduct that has been observed of him, and has served as a basis for the judge, which really is not the best, as results from the process. It is sufficient for him to be placed under the immediate surveillance of the police. In virtue of the foregoing, the Attorney General prays that your most Illustrious Worship may confirm the sentence appealed against in that part that releases from the instance Thomas Melville White, and revoke it in as far as regards the part relating to his expulsion from the territory, he being ordered to be under the surveillance of the police, as above stated; saving the honour of your illustrious self.

“ Lima, 11 December 1861.”

“ *Valle.*”

Page 132 (7 December 1861) contains an appeal made on behalf of claimant to the Superior Court, against the infamous sentence of the inferior judge, a man named William Carrillo, by a gentleman named Paul Mora, whom claimant has never known. This appeal is here given in full, and is as follows:—

“ Most Illustrious Sir,—I, Don Pablo Mora, for Thomas Melville White, in the proceedings pending against him for having attempted the life of his Excellency the President of the Republic, in expressing wrongs, beg to say, that, in justice, your Most Illustrious Worship must be pleased to declare and denounce those wrongs, which are inflicted upon my client in the sentence of First Instance, definitively revoking it, in view of what I now proceed to state. The reasons that have assisted the inferior judge for absolving Melville White from the charge as regards his having fired a shot at General Castilla, and for condemning him to banishment for ever from the Republic, are contained in the arguments third, fourth, and seventh, of the sentence appealed against. But upon paying the slightest attention to those arguments, it is perceivable that, as regards the merit of the third, it has neither moral nor judicial value, for it is based upon the statement of Don David Douglas, to which our penal legislature attaches no evidential character, and should any be given to it, prudence should counsel the judge to weigh it well over in a case like the present in which the man, Douglas, not over-scrupulous, has been able to insult

insult the truth, to recommend himself to General Castilla, in the hope of obtaining the large reward offered to whomsoever should discover his assassin. That the fourth contains a palpable contradiction, since it is set forth therein that General Echenique and President Lanares were in collusion to destroy the administration of General Castilla, having in their employ my client; and in continuation it is manifested that he was sad at the decree of interdiction, although that decree could in nowise embarrass the plans that its author had against the President of Peru, nor act as any obstacle to him who was supposed to be their servant, passing from one republic to the other, under the protection of the Bolivian authorities; and that that of the seventh, in qualifying the accused as a vagabond, and as being complicated in the gravest crimes, in order to condemn him to banishment, contains a generality which, from the tenor of the proceedings, does not acquire any signification, and which conduces directly to the violation of the 36th article of the Civil Code, and the second article of the treaty made between this Republic and Great Britain on the 10th of April 1850, which, in promising that foreigners shall enjoy in Peru all the safety requisite for their persons, means to say that they shall be punished only in those cases where delinquency has been proved.

"Therefore, I beg your Illustrious Honour that you will consider a great wrong towards Melville White has been established, and be pleased to order as I solicited at the commencement, such being justice, &c. &c.

"Pablo Mora."

"Lima, 7 December 1861."

Page 135 (16 December 1861) contains the sentence which the Superior Court passed in claimant's favour.

This sentence is here given at full length, and is as follows:—

"In the criminal cause pending against Captain Thomas Melville White for attempted assassination in the person of his Excellency the President of the Republic, Grand Marshal Don Ramon Castilla:

"Considering that, from the declarations of Mr. Louis Dorra, Mrs. Isabella Palacios Dorra, and Mr. Louis Blondel, it appears that Thomas Melville White was in the city of Tacna from the 21st up to the 28th of July 1860, wherefore he could not be the author of the attempt made upon the person of his Excellency the President of the Republic, in this capital, on the 25th of the same month; neither has any other charge been proved against the accused.

"We sentence, that we ought to revoke, and do revoke, the sentence of the Court of First Instance, dated 30 November 1861, whereby 'Thomas Melville White is acquitted by the court of the crime imputed to him, and generally from his being any co-operator in upsetting public order; but to be, nevertheless, expelled from the territory of the Republic, and never again allowed to return to it.'

"We fully absolve Melville White, and censure the judge of the Court of First Instance for not having pronounced sentence within the period prescribed by law, 60 or 80 days at the utmost from the period of arrest. Judges—

"Saravia.	Barriga.
Rospigiosa.	Alvarez.
Leon.	Chacaltana."
Davila.	

Page 139 (23 December 1861) contains the sentence passed by the Supreme Court in claimant's case, the substance of which is as follows:—

"We confirm the sentence of the Superior Court, acquitting Melville White of the horrible charge of which he has been accused. He must remain under the vigilance of the police." Judges—

"Ribeyro.	Alvarez.
Cassio.	Munoz."
Herrera.	

Don Juan Antonio Ribeyro, one of the judges of the Supreme Court, whose signature is the first affixed to the foregoing sentence, was almost wholly instrumental in passing it, and was in consequence raised by Castilla, a few days after its enactment, to the post of Minister for Foreign Affairs of the Republic, in which capacity this same Senor Ribeyro a short time afterwards legalised claimant's copy of the expediente!

What a reward for Don Juan Antonio Ribeyro, the upright magistrate(?) to receive from his client and patron, Don Ramon Castilla, for this judge's ingenuity in "Declaring Melville White innocent, but subjecting him to vigilance of the police!"

Page 142 (17 February 1862) contains the various legalizations of the foregoing expediente (process), in the original Spanish, by the Peruvian and British authorities in Lima. These official certificates are as follows:—

"These documents are conformable to the papers which, as originals, are to be found in the proceedings of their subject, to which I refer in case of need; and in compliance with

the demand made and the order given by the senior judge of the cause, I issue the present certified copy, which I have corrected and concerted or arranged with the interested party, as ordained by the law, whereof I certify.

" *T. Melville White.*
Manuel Saenz, Notary."

" We, the undersigned Notaries of the State, hereby certify that Don Manuel Saenz, by whom this certificate is authorised, is the sworn notary to the Criminal Court, in which sits the judge, Mr. William Carrillo; and as such, all actuations coming before him deserve entire faith, both in and out of court; and we, for the requisite ends, issue the present in Lima, on the 17th of February 1862.

" *Domingo Llanos.*
Jose Jorge Olvarez.
Levenzi Ordona."

" Seal of the Prefecture of the Department of Lima.

" Manuel Freyre, Préfect of the Department.

" I certify that the three preceding signatures are the same as they are wont to use the aforesaid notaries.

" *Manuel Freyre.*

" Lima, 17 February 1862."

" Seal of the Ministry for Foreign Affairs of the Peruvian Republic.

" Legalised at the Ministry for Foreign Affairs of Peru, Lima, 18th February 1862.

" *Juan Antonio Ribeyro.*"

" Seal of Her Britannic Majesty's Legation.

" I hereby certify that the foregoing is the usual signature of His Excellency Don Juan Antonio Ribeyro, Minister for Foreign Affairs of the Government of Peru.

" British Legation, Lima,
20 February 1862."

" *John Barton,*
Her Majesty's Acting Consul-General."

TRANSLATOR'S DEPOSITION.

" I, MANUEL FERMIN GARRIDO, of No. 11, St. Benet's Place, Gracechurch Street, in the City of London, translator of languages, make oath and say, as follows:—

" 1. That I am well acquainted with, and am in the constant habit of translating, the Spanish language.

" 2. That the paper writing in the English language hereunto annexed, marked (A), consisting of 142 pages, contains a true and faithful translation of the paper writing in the Spanish language, produced and shown to me; the said translation having been made by me the deponent.

" *Manuel Fermin Garrido.*"

" Sworn at the Mansion House, in the City of London, this 1st day of September 1863, before me,

" *Robert W. Carden,*
"*Locum tenens Mayor.*"

THE LORD MAYOR OF LONDON'S WARRANT AND SEAL.

" To all to whom these presents shall come, I, Sir Robert Walter Carden, knight, *locum tenens* Lord Mayor of the City of London, do hereby certify, that on the day of the date hereof, personally came and appeared before me, Manuel Fermin Garrido, the deponent named in the affidavit hereunto annexed, and by solemn oath, which the said deponent then took before me, in due form of law, did solemnly and sincerely depose to be true the several matters and things mentioned and contained in the said annexed affidavit.

" In faith and testimony whereof, I, the said *locum tenens* Lord Mayor, have hereunto signed my name, and caused the seal of the office of mayoralty of the said City of London to be hereunto put and affixed, the paper writing mentioned and referred to in and by the said affidavit to be hereunto also annexed.—Dated in London, the 1st day of September, in the year of our Lord 1863.

" *Robert W. Carden,*
Locum tenens Mayor.
"*Richard J. Pawley,*
Deputy Registrar."

Claimant

Claimant now proceeds to show how the Peruvian Codes have been violated and trampled under foot, in every step of the proceedings, which the Peruvian Government saw fit to adopt towards him. He shall afterwards refer, with a like object, to the treaties between the British and Peruvian Governments.

(Extracts from the Constitution of Peru.)

Chap. 3, Art. 2. Whosoever exercises any public office is directly and immediately responsible for the acts which he performs in the exercise of his functions. The law will determine the mode of making this responsibility effective.

Chap. 4, Art. 18. No one can be arrested without a written order from a competent judge or of the authorities enjoined to preserve public order, except in cases (*flagrantis delicti*) of extreme violence; and in all cases the person arrested shall, within 24 hours, be placed at the disposal of the corresponding Court. Those who have the execution of any such order are bound to furnish a copy of the same when required.

Prisons are places of security and not of punishment. All severity, save that necessary for the safe custody of the person imprisoned, is prohibited.

Chap. 7. Public functions are exercised by those to whom they are committed by the legislative, executive, and judicial powers, but none of these can exceed the limits prescribed by the Constitution.

Of the Judicial Power.

Chap. 17, Art. 124. Justice shall be administered by the Tribunals and Courts in the modes and forms which the laws determine.

Art. 127. Publicity is essential in all judgments. Tribunals may discuss in secret, but their votes shall be given publicly.

Sentences shall have their reasons alleged, the law or fundamental rule on which they are supported being expressed therein.

(Extracts from the Regulations of Courts and Tribunals in Peru.)

Of the Presidents of the Courts.

Art. 294. The "visitors" (judges and notaries of the State) shall proceed to the interior of the prison or house of correction, and shall visit all the departments thereof, hear all complaints which may be offered, and examine into the ease, convenience, and good treatment of the prisoners.

Art. 296. The presidents of courts or visitors shall be responsible if they do not reprove the *alcaldes* (gaolers) guilty of ill-treating the inmates of the prisons.

Art. 380. Prisons are places of security, and not of punishment; all severity unnecessary to the safe custody of persons detained is prohibited.

Art. 381. The condition of the prisoners and the mode of lodging them in the prisons shall depend exclusively on the judges in whose jurisdiction they may be placed.

Art. 382. Authorities or other persons who may contravene, in whatever manner, the two preceding Articles, shall be brought to judgment, that they may suffer the penalties provided by the laws.

Art. 383. In all prisons there shall be four departments, independent of one another. Two shall serve for persons detained, and two for persons convicted; men and women being in such case separated from each other.

Art. 384. In the department for persons detained shall be kept men and women against whom has been issued an order of arrest, but no condemnation to imprisonment for any offence which merits personal punishment.

Art. 385. Such men and women as are referred to in the former Article shall be transferred to the department of convicts as soon as their sentences have been passed upon them; and in the same department shall be confined those condemned to suffer corporal punishment, till they are sent to the places where such punishment is to take place.

Art. 390. The municipal funds, and in defect of these, the fiscal, shall provide for the food, clothing, and other necessities indispensable for the well-being of the prisoners and convicts.

Art. 395. The duties of an *alcaide* of a prison are (amongst other things) to keep the prison in the best state of order and cleanliness; to make known to the President or to the Judge of First Instance, any want . . . or the want of food or clothing for the prisoners, in order that every requirement of this nature may be satisfied; to visit at least three times in the day, and once in the night, at uncertain times, all the cells of the prisoners . . . and to avoid all disorder amongst the persons committed to his care; to treat all detained prisoners and convicts with moderation; to see that the food of the

prisoners be wholesome and sufficient; and to make known at once any deficiency in these respects.

To take care of the sick among the prisoners, when there is no hospital to which they may be transferred.

Not to prevent the transmission of food and other necessities for those imprisoned, and for the cure of the sick. In case of prisoners being strictly confined, and deprived of the right of seeing their friends, the alcaide shall take care that all necessities shall be conveyed to them.

To see that no spirituous liquors be introduced into the prison.

Art. 399. It is strictly prohibited that any alcaide should receive a prisoner without a written order from a judge or other competent authority.

Art. 400. Alcaldes shall obey no order for imprisonment, unless issuing from the Minister of Justice, Judges, the Préfet, or the Chief of the Police.

Art. 403. In every order of imprisonment shall be signified the cause which gives rise to the order.

Art. 424. Vocals and Fiscals of the Courts of Justice, Judges of First Instance, fiscal agents, attorneys, and notaries shall wear the following uniform: frock of black cloth, straight-breasted, with cuffs and collar of black; straight-breasted waistcoat, buttoned as far as the third part; black gloves; pointed hat, with the national cockade; staff and rapier, with sash of black silk; the belt and guard of the rapier gilt. Attorneys and notaries do not wear staff or sword.

Art. 429. For their daily business such officers may wear the ordinary black dress, but always wearing their medal; and vocals and judges carrying their staves.

Additional Section.—General Orders.

Art. 3. All orders of arrest shall be in writing, and shall be exhibited at the time of apprehension to the arrested person.

Art. 4. No testimony can be received from any person against himself.

Art. 5. Prisoners cannot be confined in dungeons unless on a judge's order.

Art. 7. Whatever may be the causes of any person's imprisonment, and whatever the authority which inflicts it, he shall be placed immediately at the disposal of his judge. If this rule be not complied with in 24 hours' time, those persons who ordered, and those who executed the arrest, will be subject to prosecution for arbitrary imprisonment.

Art. 9. The inaccessibility of a prisoner shall cease as soon as his declaratory instructions shall have been taken.

Art. 12. For no motive, under no pretence, and in no class of causes can torture be applied to prisoners. The authority who may order it, and the subalterns who may execute it, shall be prosecuted and condemned in damages and the loss of their positions, shall be rendered incapable of all public employment, and shall suffer such other penalties as the laws may impose in addition.

Art. 18. No holiday and no hour shall be exempt from the duty of prosecuting criminal causes, save such as are against the absent.

Art. 22. Judges who, by omission or neglect, retard the execution of sentences or the substantiation of causes, shall suffer for the first offence a fine of from five to 30 dollars; for the second, they shall be suspended from their functions; and shall, for the third, be deprived of them.

Art. 32. Judges shall take care not to prolong indefinitely the "sumario" (preliminary trial).

Art. 37. Every prisoner shall make his declaration as soon as he is placed at the disposal of his judge.

Art. 50. At the taking of such declaration all the process shall be read to him, and no charges shall be brought against him which do not arise from the indictment.

Art. 65. Parties to any prosecution, and their defenders, may demand to have in the "plenario" (the complete record of the evidence) the declaration of witnesses, and may interrogate them, as is provided by Art. 911 of the Code of Civil Judgments.

Art. 71. A copy of the Attorney General's accusation shall be given to the prisoner, comprehending in the same deed the cause to be proved, with all the charges, during a short and fixed period, omitting the testimony of the witnesses, whose declarations may be received with the citation of the accused and of his defender, and fulfilling all the other obligations of justice, all which shall be verified within the space of 12 days at the most, in those places where there is a superior court.

Art. 72. In the same deed in which the indictment is recited, shall be named an official defender for the accused, unless he should commit his defence to other hands, or unless one should have been named already.

Art. 74.

Art. 74. The period of proof being passed, the judge shall pronounce sentence.

Art. 75. Sentence being pronounced, it shall be notified to the accused, and to his defender, who may appeal against it in six hours. In this case the judge shall, without delay, pass on the papers to the superior court, if there be one in the place, if not, by the next post.

Art. 76. If within six hours there be no appeal from the accused, nor from his defender, the case shall be passed on for consultation to the respective court.

Art. 79. When the Attorney General, within 24 hours, shall appeal from the consulted sentence, a copy shall be given to the accused, who shall plead the same within the same period, and the fiscal shall proceed to examine and resolve the cause within two days.

Art. 87. No day shall be exempt from carrying out the proceedings indicated in the preceding articles.

Art. 108. Parties shall be heard by the judge with benignity.

Art. 111. The judge, or notary, who shall refuse to either party certified copies of the resolutions (sentences and decrees), shall suffer a fine of from two to six dollars in favour of the party prejudiced, and the judge of the Court of First Instance shall carry this rule into effect without prejudice to the preparation of the certified copies.

Code of Judicial Proceedings.

Section III. Chapter II., Art. 154.—The duties of an attorney general shall be (among others) to bring before the court any delay which he may observe in civil and criminal causes, that it may be rectified.

To petition such court, that the prompt execution of justice may be required from tribunals or judges of First Instance.

To represent, at the visitation of prisons, and at other times, the abuses of these functionaries and dependants, charged with the safe custody of prisoners or convicts, and to indicate such ameliorations as may be required in houses of correction or punishment.

Art. 157. Such persons as do not desire to appear themselves before the Tribunal of First Instance, may name an attorney, with sufficient power to represent them in the case.

Art. 198. Any person competent to appear, either as plaintiff or defendant, in his own case, may name attorneys.

Art. 230. The duties of a notary of state are (among other things):

To make known to parties concerned all sentences within 24 hours at the latest.

Art. 254. No officer can arrest any person without the written order of a competent judge, under pain of arrest and dismissal.

Art. 271. Interpreters must be named, if any litigant or witness has to be examined who is ignorant of the Castilian language.

Art. 272. The omission of the appointment of an interpreter nullifies the judgment.

Art. 274. Interpreters in the act of accepting the office must promise, on oath, according to the case:

To transmit to the litigant or witness, faithfully, and in their respective languages, the observations or the questions of the judge, and to the judge their replies, in the Castilian language.

Art. 445. The notary who shall enlarge the term for making known to the parties concerned the decisions of the court shall lose all his fees in the case, and shall also suffer a fine of from 10 to 50 dollars. The judge shall suffer the same who does not hasten the proceedings of the notary.

Art. 672. Every proof must be public, and the parties concerned have a right to be present at its reception.

Art. 744. Every public instrument must have three parts. . . . The introduction must declare the circumstance of an interpreter having been named by or for any party ignorant of the Castilian language.

Art. 887. The judge shall order declarations to be received, the forms required by law being previously gone through, and at the day and hour which is mentioned, this shall be notified to the parties.

Art. 888. Three days before the declaration is taken the attorney shall deliver to the defendant a list of the witnesses, designating them by their names, domiciles, and professions.

Art. 892. During the three days, and at any moment before receiving the declaration, the witnesses may be objected to for a legal cause.

EXTRACTS FROM THE TREATIES.

TREATY of Amity, Commerce, and Navigation between the Peruvian Republic and the United Kingdoms of Great Britain and Ireland, celebrated in Lima, 5 June 1837.

Art. 8, Para. 2. "The citizens and subjects of the contracting parties shall receive and enjoy in the territories of each other perfect and complete protection in their persons and properties, and shall have free and easy access to the courts of justice in the two countries respectively, for the prosecution and defence of their just rights; and they shall be at perfect liberty to employ, in all cases, solicitors, attorneys, or agents, of whatsoever class they may please."

Art. 12, Para. 2. "All such citizens and subjects of the two contracting powers as may be residing in the territories of each other, shall have the right to continue residing there, and continue their occupations, whatever they may be."

TREATY between the Republic of Peru and Her Britannic Majesty, 10 April 1850.

Art. 3. "The two high contracting parties hereby agree that any favour, privilege, or immunity whatever which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other contracting party."

Art. 7, Para. 3. "The subjects and citizens of either of the contracting parties, in the territories of the other, shall enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice for the prosecution and defence of their just rights, and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper."

TREATY between the Republics of Peru and of the United States of America, 26 July 1851. (*See* Treaty between Great Britain and Peru, Article 3, before-mentioned, 10 April 1850.)

"The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdictions; they shall have free and open access to the tribunals of justice for their judicial recourse, and they shall be at liberty to employ, in all cases, the advocates, notaries, or agents of whatever description, they may think proper.

"The said citizens shall not be liable to imprisonment without formal commitment under a warrant, signed by a legal authority, except in cases *flagrantis delicti*, and they shall, in all cases, be brought before a magistrate, or other legal authority, for examination, within 24 hours after arrest, and if not so examined, the accused shall forthwith be discharged from custody.

"Said citizens, when detained in prison, shall be treated during their imprisonment with humanity, and no unnecessary severity shall be exercised towards them."

TREATY of Amity, Commerce, and Navigation, celebrated in Lima, between the Emperor of the French and the Republic of Peru, 10 December 1861. (*See* Treaty between Great Britain and Peru, Article 3, before-mentioned, 10 April 1850.)

Art. 3. "The subjects and citizens of each of the two contracting parties shall enjoy, in both countries, the most ample and constant protection in their persons and properties. They shall, in consequence, have free and easy access to the tribunals of justice for their demands and defence of their rights, at all times and in all cases.

"They shall have perfect liberty to employ such advocates, attorneys, agents, or interpreters as they may deem expedient.

"They shall not be detained nor expelled from the country, nor even removed from one to another part of the territory, unless sufficient legal documents have been, for such proceeding, submitted to the diplomatic agents of their respective nations.

"In all cases, sufficient time and opportunity shall be allowed to the accused for their defence and justification, and for taking, with said diplomatic agents, the necessary measures for securing their property."

It will be unnecessary to point out here to the arbitrator the scandalous manner in which every one of the foregoing extracts from the Peruvian Codes, and the extracts from Treaties between Peru and Great Britain, as well as the extracts from the Treaties between Peru and France, and between Peru and the United States, have been violated in the case of claimant.

This the arbitrator will himself be enabled to readily and fully perceive.

Claimant here quotes the French and American Treaties with Peru, because, by Treaty between Great Britain and Peru, Her Britannic Majesty's subjects are guaranteed all such privileges and rights as may at any time be conceded to the subjects of the most favoured nation.

For the further information of the arbitrator, touching the very painful and amentable destruction of claimant's sight and health, which the Peruvian Government, by their horrid tortures of him, have caused, it is deemed expedient here to set forth the certificates of claimant's oculist and physicians. These certificates are as follows:—

"THIS is to certify that we were called, on the 27th of June last, to attend Captain Melville White, whom we found in a very weak and prostrated state, suffering from intermittent fever. Since the above-mentioned period, he has been constantly under our care, and although his general health is considerably improved, he is still very far from being well: and it is our opinion that it will be a long time indeed, if ever, before he becomes completely restored.

"88, York-place, London,
"14 October 1862."

"W. S. Johnson, Surgeon, &c.
"Frederick Blackman, Surgeon.

"30, Montague-place, Russell-square, London,
"15 October 1862.

"I HAVE to-day carefully examined the eyes of Captain Melville White, and find that the sight is very greatly diminished. I am of opinion that the above-mentioned condition of sight may, under proper treatment, become somewhat improved; but I believe that the vision will never be perfectly restored.

"I entertain no doubt that the sufferings which Captain Melville White has undergone in the dungeons of Peru have caused this declension of sight, under which he now labours.

"Edwin Canton, F.R.C.S., Oculist,
"Surgeon to the Charing Cross Hospital,
"Consulting Surgeon to the Kent Ophthalmic Hospital."

"Lorrimore-square, Walworth, London,
"20 February 1863.

"I HEREBY certify that I was summoned in great haste to see Captain Melville White (in consequence of his usual medical attendant being at a greater distance), on the 27th December 1862, and found him suffering under severe head symptoms, a tendency to jaundice with constant shivering, and circulation much oppressed, for which I attended him till the 30th December 1862.

"Alex. C. Air, F.K.Q.C.P., Ireland, M.R.C.S.E., &c., &c."

The arbitrator will have perceived from the foregoing certificates what has lately been the condition of claimant's sight and health. The following certificate will enable the arbitrator to understand their present state:—

"Since my certificate in October last, Captain Melville White, with the exception of a week or two he passed in the country, has been almost constantly under my care; the fears expressed at that time have been fully realised; he is still in a very feeble state, the slightest exertion or mental effort producing a return of the fever, and I can only repeat that it must be a very long time indeed before his health will be sufficiently restored for him to undertake active service, or any other occupation by which he may be enabled to obtain a livelihood.

"Frederick Blackman, M.R.C.S., L.A.C."

To the Honourable the Senate of Hamburg.

Honourable Sirs,

THE decision of Her Britannic Majesty's and the Peruvian Governments, selecting Your Honourable Senate as arbitrator in my painful case, and Your Honourable Senate's acceptance of this onerous duty, afford me much gratification.

My case is stated concisely and clearly, and I hope Your Honourable Senate will, without much difficulty or expenditure of time, be enabled to adjudicate it.

Don Ramon Castilla, late President of Peru, the principal of my late torturers, has performed an important part in the inhuman proceedings to which I have been subjected; and as I deem it both expedient and just that Your Honourable Senate should know somewhat of his antecedents, I shall here, in a few words, revert to them.

This Grand Marshal, Don Ramon Castilla, is in blood almost wholly Indian. He was born among the deserts of Tarapaca, Peru, and commenced his career in life as a mule-driver. He afterwards enlisted in, and deserted from the Spanish Army, becoming subsequently a pastrycook. After a life of 50 or 60 years of intrigue and deceit, this man managed to raise himself, illiterate and ignorant though he was and is, to the Presidency of the Peruvian Republic.

These facts are in accordance with the man Castilla's biography, published by his own countrymen, in his own country.

Your Honourable Senate are now about to arbitrate between the very wealthy Government of Peru (at the head of whom was, a short time since, this man Castilla), and their innocent, ruined victim; and I feel assured that Your Honourable Senate's verdict will be such as to merit the approval of civilized mankind.

Your Honourable Senate cannot, it is, alas! true, restore to me my lost sight and ruined constitution, nor my brilliant career, blasted by the Peruvian Government; undo the shocking slanders heaped on me, nor return to me my blood, shed in the streets of Callao by black soldiers of the Government of Peru; heal my broken heart, nor relieve my shattered intellect. No; to do this is beyond man's power; but your Honourable Senate can exact for me, as I trust and believe you will, all possible atonement for my wrongs.

With this hope and trust, I now cheerfully place, at your Honourable Senate's discretion, the arbitration of this my case.

I have, &c.

(signed) *T. Melville White,*

Post Captain.

London, 12 September 1863.

DECLARATIONS.

I, Thomas Melville White, Post-Captain, claimant, of the county of Sligo, Ireland, do sincerely and solemnly declare:—

That all the statements contained in the subjoined case, written and drawn up by me, are strictly in conformity with truth.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act, made and passed in the Session of Parliament of the fifth and sixth years of the Reign of his late Majesty King William the Fourth, entitled, "An Act to repeal an Act of the present Session of Parliament," entitled, "An Act for the more effectual Abolition of Oaths and Affirmations, taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

T. Melville White,

Post-Captain.

Declared and dated in London, this Twenty-fifth day of September,
One Thousand Eight Hundred and Sixty-three.

Wm. A. Rose,
Mayor.

I, Henry Christmas, Master of Arts, late of St. John's College, Cambridge, F.R.S., Member of the Royal Academy of History and Archæology of Madrid, Member of the Imperial Society of Antiquaries of La Morinie, Sunday Evening Lecturer of St. Mildred's, in the Poultry, and Thursday Morning Lecturer of St. Peter's, Cornhill, formerly Professor of
British

British History and Archæology in the Royal Society of Literature, do incereely and solemnly declare:—

1. That I am well acquainted with, and in the constant habit of translating, the Spanish language.

2. That all the translations from the Peruvian Codes, appearing in the subjoined claims of Captain Melville White, against the Peruvian Government, have been made by me from the respective codes specified.

3. That these extracts from the written laws of Peru are complete and faithful translations of the Spanish language contained in the various specified articles and paragraphs of said Peruvian Codes.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the Session of Parliament of the fifth and sixth years of the Reign of his late Majesty King William the Fourth, entitled, "An Act to repeal an Act of the present Session of Parliament," entitled, "An Act for the more effectual Abolition of Oaths and Affirmations, taken and made in various Departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

Henry Christmas, M.A., F.R.S.

Declared and dated in London, this Twenty-fifth day of September,
One Thousand Eight Hundred and Sixty-three.

Wm. A. Rose,
Mayor.

I, Thomas Melville White, Post-Captain, claimant, of the County of Sligo, Ireland, do sincerely and solemnly declare:—

That the annexed writing, marked "A," is a true and faithful copy of declarations made by Mr. Henry Carvell, a British subject, now resident in London, in his pamphlet, lately published in this City.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the Session of Parliament of the fifth and sixth years of the Reign of his late Majesty King William the Fourth, entitled "An Act to repeal an Act of the present Session of Parliament," entitled "An Act for the more effectual Abolition of Oaths and Affirmations, taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

T. Melville White,
Post Captain.

Declared and dated in London, this Twenty-sixth day of September,
One Thousand Eight Hundred and Sixty-three.

Wm. A. Rose,
Mayor.

PUBLISHED DECLARATIONS of Mr. *Henry Carvell*, a British subject, now resident in London.

This is the writing marked "A," referred to by *Thomas Melville White*.

Wm. A. Rose,
Mayor.

A.

"Thomas Melville White, a British subject, was seized in Callao, there brutally handled, taken thence to Lima, and thrown into the ancient prison of the Inquisition, where he remained *incommunicado* for several days. By some stratagem he contrived, however, to communicate his position to some one outside; and, although things of this kind were of such frequent occurrence that people had learned to regard them with apathetic indifference, the knowledge that a British subject was confined in that loathsome den created some indignation among his countrymen residing in Lima. On learning the rumours afloat, I resolved to ascertain particulars. I went with a friend to the prison, but was refused admittance, the only reply to our inquiries being, that they must be addressed to Judge Ponce. We left our cards, desiring they should be given to the Englishman confined within the walls. After innumerable difficulties, we finally obtained, through the Peruvian Minister for Foreign Affairs, an order to see our countrymen. When Judge Ponce found he could no longer keep the prisoner *incommunicado*, i.e. in solitary confinement, he permitted his removal to a cell, less filthy than the one in which he had first been placed; but even this was the most horrible

it has ever been my lot to behold. Human life must be counted by hours in such a place. In that cell, another Englishman, James Edwards, was murdered. Yet, in the face of the well-known fact, that Melville White had been lodged for days in this loathsome den, the Peruvian Minister for Foreign Affairs, in a despatch to the British Minister, rebutting the charge of ill-treatment of Melville White, boldly asserted that, when first imprisoned, he was placed in 'a large airy apartment, and supplied with everything necessary to his comfort.' I can describe the cell and the prisoner's occupation on my being admitted to him:—

"A dungeon, seven feet by nine, damp stone walls, a wet stone floor. Not an article of furniture of any kind, save a rusty iron pan, alongside of which was Melville White on his knees, eating with his fingers the dirty-looking rice it contained. This pan was absolutely the only article in the cell. Melville White was haggard, wan, and labouring under an excitement, from which he was relieved at last by a passionate flood of tears.

"The cell in which he had first been confined baffles description.

"We at once went to purchase a bedstead, bedding, chairs, a table, lamp, and such other articles as could render his situation more endurable.

"Notwithstanding these facts, of which there is ample proof, the Peruvian Minister made the assertion above-mentioned.

"Some four or five weeks after the arrest of Melville White, a Peruvian official came to me one evening privately, and stated that information had that day been received from Tacná, that Melville White was there on the day he was charged with firing at General Casilla; that the Government was annoyed and fearful of getting into trouble in consequence of the infamous manner in which an innocent man had been treated. On my remarking that he would of course be at once released and adequately compensated for the sufferings he had endured, my informant replied that the Government, on the receipt of the intelligence proving the innocence of the accused, had resolved to convict him, *coute que coute*, as the safest way of getting out of the difficulty. Will it be credited in civilised England, that this man was actually kept in prison nine months longer! All their efforts to convict him having proved futile, he was, notwithstanding the recognition of his innocence, condemned by a decree of the Peruvian Government, to perpetual banishment from the Peruvian territory. In Lima, no one ever questioned Melville White's innocence.

"The other victim I have mentioned, James Edwards, succumbed in 72 hours to the horrors of the cell in which Melville White was first confined.

"Her Majesty's Government, being informed of the extraordinary proceedings of Judge Ponce, in a despatch to Lima, pronounced his conduct 'scandalous,' and expressed a hope that it would lead to his disgrace. So far from Judge Ponce being disgraced, he became a greater favourite than ever with the Peruvian Executive, and the medium through which they vented their spleen on any of my unfortunate countrymen who had incurred their displeasure. He succeeded in murdering James Edwards in 72 hours, and also in nearly murdering Captain Melville White, whose naturally strong constitution enabled him to bear up against cruelty and suffering until rescued from impending death by Monsieur de Lesseps.

"Henry Carvell."

I, The O'Gorman Mahon, having the honour to hold the commissions of Colonel, Justice of the Peace, and Deputy Lord Lieutenant, and late representative in Parliament, alternately for the county of Clare, Ireland, and for Ennis, capital of said county, do solemnly declare as follows:—

1. That after a cruise in the Northern Pacific Ocean with my esteemed friend, Admiral Bonard, then commanding the French Pacific squadron, now Commander-in-Chief of the squadron of his Majesty the Emperor of the French, in Japan, I became desirous to visit in detail the several states of Central and South America, and for that purpose I embarked on board Her Britannic Majesty's war steamer "Vixen," commanded by Captain Lionel Lambert, and finally reached Callao (the seaport of Lima), where the French admiral had given me rendezvous.

2. That while we were in the city of Lima, I made the acquaintance of Captain Melville White, then a traveller in South America; that I recognised in him a countryman and brother soldier, who had already rendered important service to Her Majesty, and I knew him to be the friend and associate of some of the most distinguished and honoured men of South America.

3. That my personal intercourse with him induced a conviction that he was, in every sense of the terms, a gallant officer and upright gentleman.

4. That after I had left Lima, and made various cruises to different remote quarters, I again returned to Peru, and was in Lima in the month of March 1861, engaged in what proved to be an abortive effort to persuade the authorities to bring to justice the miscreants who, in open day, had robbed and murdered my friend, Captain Lambert, of the Royal Navy.

5. That on the 23d day of the said month (as I subsequently learned), Captain Melville White

White was, on landing at Callao, suddenly seized on the Mole, and brutally treated by Peruvian officials, on the pretext (as it was afterwards stated) that he had shot at and wounded President Castilla, in the Plaza of Lima.

6. That on the rumour reaching me that a countryman of mine was the individual thus seized, I repaired to the prison of the Inquisition, and was there informed by the military officer on guard that access could not be permitted to the prisoner, who was in strict solitary confinement. I forthwith addressed myself to the Minister of War (Señor Melgar), with whom I had been long personally acquainted, and, on representing the circumstances to his Excellency, he sent for the criminal judge, Señor Don Luis Ponce, who avowed in my presence that "it was by his orders that the prisoner was so placed"; that "he" (Judge Ponce) "was in possession of the most undoubted evidence that the said prisoner had committed a very great crime, one of the most hideous character, but that he felt it his duty to refuse stating what the crime was"; and that "he would allow no communication with the prisoner, whether verbal or written." On my demanding, as a favour, to be permitted to see the prisoner, in order to ascertain if he really was (as asserted) my friend, Captain Melville White, Judge Ponce objected, assuring his Excellency that, with the exception of being kept in strict solitude, the prisoner was in every other respect well off, and amply provided with every comfort. His Excellency, however, having expressed himself in favour of my request, as being no more than reasonable, the judge at length acceded, but only on condition that I should pledge myself not to utter a word to the prisoner, and that I should be accompanied by himself. Having pledged myself to these imposed conditions, the judge escorted me to the Inquisition, and in one of its horrible dens I was permitted to gaze in silence for a moment at its unfortunate inmate, precisely as one might look at some ferocious monster or dangerous beast of prey; but that momentary glance enabled me not only to recognise my unfortunate friend, but also to detect the falsehood uttered by Judge Ponce, when he assured his Excellency and me that the prisoner was in the enjoyment of every comfort. The den was solely occupied by the prisoner, two negro guards, and a massive heap of implements, iron manacles, chains for feet and body, iron bars, &c. It was, as I afterwards learned, the den of punishment. Indignant at what I had thus witnessed, I forthwith again communicated with his Excellency Señor Melgar, who, recognising the justice of my remonstrances and the improbability of Captain Melville White's guilt, humanely interposed, so far as to grant me free access to my suffering friend, who at first was wholly unable to detail what he had endured during the previous four days of his unmerited solitary incarceration.

7. That having obtained food, furniture, and such comforts as his position in that horrible dungeon permitted, Captain Melville White became partially recruited, but by very slow degrees, and during my frequent visits, I, at times, found him suffering from physical and mental depression to such an extent as to impose the necessity of procuring for him the most eminent medical advice and attendance, a circumstance of which he was for a considerable period wholly unconscious, in consequence of the extent to which his whole system had been shaken.

8. That when his mind had somewhat recovered its tone, he constantly made agonised appeals to me to obtain for him an opportunity of establishing publicly his complete innocence of any crime with which he might be charged.

9. That my unceasing exertions, supported by the energetic appeals of Her Majesty's Minister, the Hon. W. S. Jerningham (while still in Peru, previous to his departure on leave of absence), were productive of no other result than replies from the Peruvian Government to the effect that the Executive could not interfere with the Courts of Justices, and that the law should take its course. Such replies were nothing less than "mockery" in the case of Captain Melville White, where every applicable clause of the admirable codes of Peru was openly and grossly violated; not one of them was respected! All were set aside with contumely!

10. That I have carefully perused the subjoined recital of Captain Melville White's sufferings, and that my belief in the portion which was not permitted me to witness, is confirmed by what I actually did see, and by my knowledge of his character for truthfulness and honour.

11. That from the first moment of his incarceration it was notorious in Lima (where the real perpetrator of the crime was well known) that Captain Melville White was entirely innocent, and the Government, in a few weeks after his arrest, had positive information from their own official authorities that he was, at the time of the attack made in Lima on General Castilla, 1,000 miles from that city.

12. That Captain Melville White submitted to me, soon after our first acquaintance in Lima, a number of testimonials from officers of rank and distinction, of which he or any man might be justly proud.

13. That what he states in his claims against the Peruvian Government respecting his brilliant position and prospects in Ecuador was fully established by authentic documents which he submitted to me (while he was *en route* from Guayaquil in Ecuador to Valparaiso), a short time previous to his disastrous seizure. Having perused these documents relative to his engagements and contracts with the Government of Ecuador, he received my warmest

congratulations, for, from the liberal tenor of those writings, and my knowledge of his energy and ability, as well as from my personal intimacy with the high characteristics of the individuals then guiding the reins of Government in the State of Ecuador, I felt assured that (unless cut off by premature death) Captain Melville White could not possibly fail to realize, not only a very large fortune, but, in addition, an enhanced reputation.

14. That previous to witnessing the outrages of which he was made the victim, I could not have been brought to believe that any Government, professing the slightest pretensions to civilisation, could have so tortured an unoffending man, or that a human being possessed of no more than ordinary physical capabilities, could have survived such continuous and wanton cruelty. As it is, he only survives with impaired sight and a shattered constitution, while his worldly prospects have been irreparably blasted by a cruel abuse of arbitrary power, unparalleled in the history of despotisms, because, in his case, there did not exist even the most remote shadow of provocation, much less of justification, for the foul charge with which it has been sought to destroy the worldly prospects and fair fame of an unoffending, honourable, and gallant soldier and sailor.

15. That I was in Lima while Captain Melville White remained in the dungeons of the Inquisition, and did not leave for Europe until I had the satisfaction of seeing him transferred from the Inquisition, where he had been brought to death's door, to the prison of San Francisco de Paula. This step towards rescuing him from death, was effected through the humane and active intervention of the French Minister (Monsieur de Lesseps), whose aid I supplicated, and happily obtained, to effect this object.

16. That Captain Melville White has placed on record that the mental and physical sufferings consequent on the cruelties to which he was subjected during the five days of solitary confinement in the dungeons of the Inquisition, have brought conviction to his mind that their continuance for a few hours longer must have terminated his existence, and my firm belief is that, from the shock then sustained, aggravated by continued imprisonment in the Inquisition, he has never since recovered, and that its effects will accompany him to the grave. My experience tells me that ten men in a thousand could not have survived the barbarous treatment to which he was subjected.

17. In addition, I have but to add (which I do with feelings of great regret), the expression of my conviction, that the British legal functionary who suggested the acceptance by Captain Melville White of the paltry sum of some 4,000*l.* or 5,000*l.*, as compensation for the grievous injuries inflicted on him, either did not read the recital of his wrongs and losses, or, having read, did not lend credence to their reality, or probably deemed them greatly exaggerated. If he acted under the latter impression, I can confidently assert he was in error.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the Session of Parliament of the fifth and sixth years of the Reign of his late Majesty King William the Fourth, entitled, "An Act to repeal an Act of the present Session of Parliament," entitled, "An Act for the more effectual Abolition of Oaths and Affirmations, taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths.

The O'Gorman Mahon,
Colonel, J. P. and D. L.

Declared and dated in London, this Twenty-eighth day of September,
One Thousand Eight Hundred and Sixty-three.

Wm. A. Rose,
Mayor.

C.

CASE.

Captain Melville White having entered into an engagement with the Ecuadorian Government, with an allowance of 12,000 dollars a-year, the age of Captain Melville White being 31 years, Mr. Scratchley is requested to state what is the value of that allowance, treated as a life annuity. The 12,000 dollars may be taken as equivalent to 2,500*l.* a-year.

OPINION.

I am of opinion, assuming Captain White to be in average good health, and taking the interest of money at 6 per cent., that the present value of an annuity of 2,500*l.* on his life, after providing for the necessary assurance, would be 12 years' purchase, or 30,000*l.*

Arthur Scratchley, M. A.,
Western Life Office.

28 September 1863.

I, Thomas Melville White, Post-captain, claimant, of the county of Sligo, Ireland, do sincerely and solemnly declare:—

That the foregoing writing, marked "C," is a complete and faithful copy of the original certificate of Arthur Scratchley, Esquire, Actuary of the Western Life Assurance and Annuity Society of this city.

And I make this solemn Declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the Session of Parliament of the fifth and sixth years of the Reign of his late Majesty King William IV., entitled "An Act to repeal an Act of the present Session of Parliament," entitled "An Act for the more effectual Abolition of Oaths and Affirmations, taken and made in the various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

T. Melville White, Post-Captain.

Declared and dated in London, this Twenty-ninth day of September,
One Thousand Eight Hundred and Sixty-three.

Wm. A. Rose,
Mayor.

To all to whom these presents shall come, I, William Anderson Rose, Lord Mayor of the City of London, do hereby certify that on the Twenty-fifth day of September instant, personally came and appeared before me, Thomas Melville White and Henry Christmas; and on the Twenty-sixth day of September instant, personally came and appeared before me, the said Thomas Melville White; and on the Twenty-eighth day of September instant, personally came and appeared before me, The O'Gorman Mahon; and on the day of the date hereof, personally came and appeared before me, the said Thomas Melville White, the declarants named in the declarations hereunto annexed, and by solemn declaration which the said declarants made before me in due form of law, did solemnly and sincerely declare to be true the matters and things mentioned and contained in their several and respective annexed declarations.



In faith and testimony whereof, I, the said Lord Mayor, have hereunto signed my name, and caused the Seal of the office of Mayoralty of the said City of London, to be hereunto put and affixed, and the document and the writings marked "A." and "C." respectively, mentioned and referred to in and by the said declarations, to be hereunto also annexed.

Dated in London, the Twenty-ninth day of September, in
the year of Our Lord One Thousand Eight Hundred
and Sixty-three.

Wm. A. Rose, Mayor.
Rich. J. Pawley, Deputy-Registrar.

The Right Honourable the Earl *Russell*, Her Majesty's Principal Secretary of
State for Foreign Affairs, &c. &c. &c.

My Lord,

I HAVE the honour to forward herewith to your Lordship, in duplicate, my case against the Peruvian Government.

The volume marked "Original" is, as thereon indicated, for the arbitrator, the Honourable the Senate of Hamburg. The other volume, marked "Duplicate," is, as stated thereon, for Her Majesty's Government.

This document contains all the data which, in my opinion, are essential to enable the arbitrator to adjudicate my claims against the Peruvian Government. Lest, however, the Honourable the Senate of Hamburg might desire still further references in their adjustment of my claims, I have deemed it both expedient and just to place at the service of the arbitrator all the Codes and other Peruvian publications to which I, in my case, advert, in vindication of my just rights.

These Codes and other publications are as follow:—

1. The duly translated and legalised copy of the *expediente*, marked "A."
2. The original Spanish copy of the *expediente*, marked "B."
3. The Spanish copy of the Peruvian Constitution.
4. The Spanish copy of the Criminal Code of Peru.

5. The Spanish copy of the Code of Trials of Peru.

6. The Spanish copy of the Rules and Ordinances for the guidance of the judges and courts of Peru.

7. The collection of all the Treaties celebrated between Peru and other nations from the date of the revolt of that country from the Spanish Crown, up to the year 1858.

8. Envelope "1," containing a copy of the journal, "Comercio," of Lima, of 5th May 1860, number 6,413, wherein is published a detailed account of the various sums of money which the French Government exacted from the Government of Peru for misconduct on the part of the latter towards subjects of the former, amounting to 782,600 francs.

9. Envelope "2," containing a copy of the journal, "Comercio," of Lima, of 10th February 1862, number 7,202, wherein is published the Treaty celebrated between France and Peru, 10th December 1861.

10. Envelope "3," containing the original certificate of Arthur Scratchley, Esq., M.A., Actuary of the Western Life Assurance and Annuity Society of this city.

I shall feel obliged if your Lordship will have the goodness to transmit these codes, journals, and writings to the Senate of Hamburg, in order that they may have them for their consultation if requisite.

I shall feel further obliged if your Lordship will, as soon as the arbitration of my case shall have been terminated, cause these codes, journals, and writings to be returned to me.

In consequence of my continued debilitated state of health, my physicians have prescribed change of climate for me. I shall, therefore, leave London in a day or two, and may be absent a month. I shall esteem it an accommodation if your Lordship will issue instructions for all such communications as it may be found requisite to convey to me from your Lordship's Department, during my absence, to be directed to me here, whence they will be forwarded to me immediately.

I will thank your Lordship to forward to the Senate of Hamburg, for their information, a copy of this letter, and to acknowledge, at your Lordship's earliest convenience, the receipt thereof, together with its accompaniments.

I have, &c.

(signed) *T. Melville White,*

Captain.

Great Western Royal Hotel, Paddington,
London, 29 September 1863.

— IV. —

AWARD OF THE SENATE OF HAMBURGH.

(Translation from the German.)

I.

EXTRACT from the collected Papers in the Investigation and Proceedings against the English subject *Thomas Melville White*, in Peru.

ON the 23d of March 1861, the English subject, Captain Thomas Melville White, was arrested in the harbour of Callao, at the moment of his setting foot on land, from the steamboat "Bolivia," coming from Arica. This arrest was made by Lieutenant Illadoy, at the request of the Harbour Adjutant, Juan Antonio Valdevieso, who had been sent on board, as a watch from Arica, by the Harbour Captain there, because the latter had received notice, on the part of Manuel Francisco Romero, Commander of the Coastguard at Arica, according to his written announcement to the general administration of marine affairs, that there was on board the "Bolivia" a certain Melville White, who, according to the information received, was the delinquent who, on the 25th of July 1860, made

made an attempt on the life of Don Ramon Castilla, President of the Republic of Peru.

At Callao the prisoner was kept in solitary custody. On the day of the arrest, however, inquiry was made by Nicolas Freyre, Prefect of the Province of Callao, of the Ministry of the Interior, at Lima, what was to be done with him, and answer was at once returned that he should, with all necessary security, be delivered up to the prefect of the department at Lima, and be by him placed at the disposal of the criminal judge. On the very same day, this order of the minister was communicated to the Prefect Lavalle, and on the following day, with the remark that the prisoner would be placed at his disposal in the public jail at Lima, it was communicated to the criminal judge Carillo, who referred the case to the judge, Don Luis Ponce.

On the 26th March, the latter directed that notice should be given to the attorney (fiscal) and opened the examination, on the same day, at the prison, "Carcelletos."

On being questioned, the prisoner deposed that his name was Thomas Melville Fol. 4, sqq. White; that he was an Englishman and a sailor; that he did not know the cause of his arrest. He had come in the "Bolivia" from Valparaiso to Callao, and intended to travel to Guayaquil, where he had friends, and would easily get a living, in some way or other. He had stayed eight days at Valparaiso, and before at Lima. He had been captain of a ship in Europe and Asia, and had travelled in both hemispheres. He had earned money by work, and with that and some dollars given him by his countrymen, especially the British Chargé d'Affaires, he had betaken himself to travel for his pleasure. In the year 1860, he had been three or four times at Lima; his travels in America had extended to Ecuador, Peru, Chili, and Bolivia. He had everywhere had much intercourse with his fellow-countrymen, and in Bolivia had been entertained as a guest, although he had been kept in confinement there for 10 or 12 days by President Linarez, who had taken him for a secret agent of General Castilla or General Belzu. He had had friendly relations with General Echenique, and had spoken to him, on private affairs, two or three times at Caracoto, otherwise he had no acquaintance with Americans in Bolivia. After he had been released from confinement there, if he remembered rightly, at the beginning of July, 1860, as he believed, he went to Peru, and was present there at the festivities on taking oath to the Constitution. Afterwards he went to Ecuador.

Being at the time at Tacna he had there heard the news that, in July of the year 1860, the President of the Republic had been wounded by a pistol-shot in the grand square (Plaza Mayor), and he was disgusted at the act as that of a cowardly and criminal hand. Besides the confinement at Bolivia, already mentioned, he had been in custody of the police, at Callao, in the carnival time.

After the close of the examination, the prisoner, although by order of the criminal judge, Dr. Ponce, he was to be kept in custody alone, and without communication, transmitted by one of the political prisoners, a written request drawn up the same day, to José Banda, who acted as clerk at the examination, that an interpreter might be allowed him (White), as he was not a perfect master of the Spanish language. To this request Banda added the remark that he recollected that, at the examination, the prisoner, in answer to a question of the judge, Ponce, declared that he understood Spanish; moreover, that at the close of the examination, the minutes of the proceedings were read to, and signed by the prisoner without remark.

Hereupon, the Attorney General refused to grant the request, which appeared quite frivolous, as it was clear, from the minutes, that the prisoner was a perfect master of the Spanish language.

Ponce directed, that in regard to the pending investigation, the necessary examinations should be made at Arica, especially of Manuel Romero, of the Sub-Prefect of the Province of Callao, of the Adjutant Valdivieso, and of the British Chargé d'Affaires. This order was communicated to the prisoner in writing, but he declined to sign it.

On the 1st of April Miguel Baquero, intendent of police, reported that he had offered to White the money (1 \$), which is given daily to political prisoners for their support, but that he declined to receive it. The clerk Banda certifies Fol. 9, sqq. this, and adds thereto, that in his own presence, as well as that of the alcaid and sub-alcaid, and the political prisoners, the prisoner declared that he should receive satisfaction for all his claims against the Peruvian Government at the

same time, as the British Chargé d'Affaires was about to advance claims against the Government for that purpose. The said persons were thereupon put upon oath, and certified that White refused the offered daily money; that in presence of the political prisoners he noisily asserted his claims to a money compensation for his imprisonment, and they added moreover that White received frequent visits from Englishmen.

Fol. 15.

After the steamboat "Bolivia" had returned to Callao, on the 3d May, her crew were examined.

Ed. Michael, the purser, deposed that he had met with White when travelling from Valparaiso to Callao, in the second cabin of the "Bolivia," about 18 months ago.

Robert Hart deposed, that he had seen a man named White (but whether it was Melville White he did not know) as a passenger of the first class in the steamer "St. Carlo," and as a second-class passenger in the "Bolivia."

Andrew Wilson. At that time people on board took White for a British spy.

Fol. 21.

On the 10th of April the witness, *Manuel Francisco Romero*, commander of the coast guard at Arica, deposed before the tribunal there, that he had given notice to the harbour-captain at Arica, that White, who was on board the "Bolivia," was, according to the information he had received, strongly suspected of being concerned in a plot with General Echenique and Linarez, the President of Bolivia, against the Government of Peru, and that he had reason to believe that he was either the very person who had made the attempt upon the President Castilla, or an accessory; for he was at Tacna in December 1860, and in Isabella Dorras's hotel; there he met a Scotchman, David Douglas, who said to him that he would tell him an important secret touching the President, with whom witness has connections, and Douglas then related to him as follows:—

He looks upon White as an obstinate plotter, in connection with General Echenique. He (White) came to Corocoro in May or June 1860, without any means whatever, and lived there at the house of Pedro Caro, an Argentinian and friend of the said general. After some days he went to Caracato, where General Echenique was then staying. For the purpose of his journey there, White had borrowed of him, Douglas, 10-15 dollars, as others, whom he had asked for the loan, had refused him. From Caracato, White returned, about eight days later, to Corocoro, with a bill of exchange for 60 dollars, drawn by Echenique, as he thought, upon Caro, and which Douglas saw. Soon after he went back again to Caracato, and from thence he betook himself to La Paz, where he had free entry to the palace of the President Linarez, and was treated with attention. The latter gave him a bill of exchange for 500 dollars, as Douglas believes, upon Gonzalez Velez, at Tacna. Douglas himself did not see this bill, but a certain Terr did, who advanced White 50 dollars, at Corocoro, through which place he had passed in his way to Tacna, and which sum White paid back again to Terr's agent at Tacna. During this last visit of White to Corocoro there was an assembly at Caro's house, at which a toast was introduced and drunk to the downfall of General Castilla; that the Republic of Bolivia would then forthwith put General Echenique in his place, without any necessity for a revolution of the people or the army. The question was merely that Castilla should disappear. That an astonishing event would happen in Peru, such as had never been known. Caro, as a compensation for his pecuniary sacrifice, was, by Echenique's intervention, to have some advantageous business in horses.

Deponent does not know whether Douglas was present at that assembly. The last mentioned was told by Caro to Douglas, when he returned, after having accompanied White a part of the way to Tacna. Douglas also told him, the witness, that at the beginning of July, White had embarked at Arica for Lima, and had gone from thence, in the middle of August, by Corocoro to Caracato, as was told to Douglas on several sides.

Deponent first became acquainted with Douglas when he was at Tacna, as above-mentioned. Of White he only knows, by inquiries, that he is either an Irishman or a Canadian, without settled residence, and that he travels a great deal on steamboats. According to the evidence of James Brain, an Englishman, White went, on the 4th of November, from Arica to Islay, in the "Respigadora,"

and

and was then in the greatest poverty, so that Brain solicited a subscription for him, as John Williams and Charles Worm told him, the witness.

Deponent has always kept a watchful eye on White, and at the time of his arrest he learned from the purser of the "Bolivia" that he was on board that vessel as a second-class passenger, but always kept in his room. On occasion of the conversation with the purser, the latter remarked, that he could not think where White got money for travelling, as it was not known that he had any employment.

Deponent has learned by inquiry, that White, towards the end of December or in January, went to Valparaiso, and from thence to Coquimbo, probably on business with Echenique. He came back again at once by the "Bolivia" to Valparaiso, and embarked thence for Coquimbo, where Echenique came on board and travelled with him to Callao.

The Englishman, *Charles Worm*, deposes (Arica, 11th April):—When the "Respigadora" went to Islay, White begged of him a loan of 20 dollars, as he was indebted that sum at the hotel; but he refused it to him as he only knew him by sight. He knows that White went away without paying the debt,* but that he sent the amount from Islay. * Fol. 30.

The Scotchman, *David Douglas*, deposes (Arica, 12th April):—He knows Romero, whom he saw for the first time, if he remembers right, towards the end of November last year, at Dorra's hotel at Tacna. He also knows White, and made his acquaintance in April last year, at the house of Mr. Thomas Pearson at Corocoro; also saw him several times, at Don Pedro Caro's, there. He had a confidential meeting with Romero at Tacna at Dorra's hotel, and then told Romero he believed that White was engaged with General Echenique against President Castilla; and, indeed, he was led to this belief from having heard in the house of Pedro Caro that White had spoken ill of General Castilla, wishing for his downfall, and the elevation of General Echenique. Caro had joined in this wish, in order to get paid for 500 dollars which he had lent to a physician, who was in connection with Echenique. He had also told Romero what he had heard from Caro, namely, that in the latter's house, in May last year, an assembly took place, wherein they drank to the downfall of General Castilla, and the elevation of General Echenique, at the same time remarking that no revolution would be necessary, as an astonishing thing would happen in Peru. He, witness, had told Caro that such a man as White was not fit for him; to which Caro answered, this man will cause a great disorder in Peru. White was in a poor condition there. His countryman, as well as witness, thought him a good-for-nothing fellow, because he busied himself with revolutionary plans in a foreign country. Fol. 32, sqq.

In the evening before the issue of the Interdiction-Decree, White set out from Corocoro in the direction of Lima, in company with Daniel Roberts. After a stay of three weeks at Louis Blondel's mine, he went to Cerro de Passa. See note below.

Being asked whether he knew that General Echenique had had several meetings with White at Caracato, witness stated, that when he became acquainted with White at the house of Pearson, he (White) had just come from Lima; about four or five days afterwards he went from Corocoro to Caracato, where General Echenique was staying. Witness gave him 10 dollars for this journey. From Caracato White came back with a bill of exchange for 800 dollars given to him by Echenique. After that he went again to Caracato, and from thence to La Paz, and came to Corocoro again with a bill of exchange for 500 dollars given to him by Echenique, and as he believes drawn upon Gonzalez Velez, and then from thence, as already stated, he went to Lima.

Being asked what reason he had to suppose that it was White who had fired at the General President, witness said, Don Emeterio Maldonado (one of those present at the assembly already mentioned, at the house of Caro) had expressed this supposition to him. Being asked if he knew what relations White had had with the President of Bolivia, Don Linarez, witness says White had told him that he was on very good terms with him, and had open access to him. He, witness

Note.—In this decree, issued on the 14th of May 1860 by President Linarez, of Bolivia, at La Paz, after a statement of many complaints against the Republic of Peru, and especially against President Castilla, all communication between Bolivia and Peru was entirely forbidden from 30th of May.

witness, had become acquainted with the President at Cochabamba and at Ingari, where he lodged at his (witness's) house, and on this occasion witness had exchanged many letters with him. Echenique he knows only by sight.

Deponent is personally acquainted with President Castilla, and has exchanged many letters with him.

Fol. 36.

Isabel Aimé de Trochon, deposes (Arica, 11th April):—White has in the past year stayed twice at her hotel, once in July or September, the other time in December. Then he did not pay his account, but sent however the greater part from Islay. He looked sad and meagre, and said he had come back by Arequipa, from Lima to Bolivia.

Fol. 37.

John Williams, deposes (Arica, 13th April):—Calista Peralta and Donna Dorra requested him, in last September, to apply to White for some small sums, not more than six dollars altogether; these he did not receive, but on the contrary White asked him for a loan of 20 dollars, which he refused him. He does not know of White having any employment. He said that he had been a captain in the East Indies.

Fol. 41.

Isabel Palacios de Dorra (Tacna, 16th April), deposes:—White, who gave out that he was an Irishman and a captain, has stayed four times at her hotel; he came first from Lima on the 1st of April, and left for Bolivia on the 4th. On the 1st of May he came back from thence, and after about six days went to Lima. On the 21st of July he came back again, and after eight days went away to Bolivia; from thence on the 10th of September he arrived again at Tacna, and on the 16th of the same month went away again. White had no intercourse with anyone, except herself and her husband, except somewhat with Patrick Dauling, whose debtor he was for clothing delivered. White was quite without means and badly clothed. He also owes her some 40 dollars for the last two occasions of his stay.

It is true that Romero and Douglas met at her hotel at Christmas last year.

Fol. 45.

Gonzalez Velez (Arica, 16th April), deposes:—He does not know White. The statement of the alleged bills of exchange for 800 and 500 dollars, drawn respectively by Echenique and Linarez upon him in favour of White, is altogether false. He does not know General Echenique personally at all.

Fol. 46.

Calisto Peralta (Tacna, 16th April), deposes:—He knows White well, but it was not true that he employed Williams to collect money from him, as he had never been his debtor. In April, White went away to Bolivia. A month later he met with him again at Dorra's Hotel in better clothing, and expressed his surprise that he had so soon finished his journey. White answered him, that the political circumstances of Bolivia had determined him to come back again speedily from Corocoro. It struck the deponent that White, who a month before spoke bad Spanish, now suddenly spoke it well; as he expressed his surprise at this, he answered that that was his way, to learn a language by degrees. A few days after White set out for Lima, deponent suspected that he was connected with the Bolivian politics, as he often took pains to change his appearance; sometimes being shaved quite close, sometimes with mustachios, and sometimes with whiskers; and making frequent journeys to Lima and Bolivia without having any known business there. White himself and Dorra, with whom he was well acquainted, also told the deponent that he had accompanied General Belzu in his journey to Europe.

Fol. 50.

Luiz Dorra (Tacna, 18th April), deposes:—The evidence read to him of his wife is according to truth; but he must deny what Peralta says about the alleged relations of White with Belzu, of which he knows nothing.

Patrick Dauling (Tacna, 20th April), deposes:—White came to him to have his clothes mended.

White told him that he was a British naval captain, and had served in India in the Indian army; he had left India on account of his health, and had no other object than travelling. He was now travelling to Bolivia likewise, only on account of his health, and at the same time to see if he could find any suitable employment in the mines there. Some days after he went to Bolivia, and did not come again to him until the beginning of June last year, when he bought a suit of clothes, and gave a note of hand, dated 6th June, for the amount, 64 dollars, which

which, although payment was to follow immediately from Valparaiso, has not yet been discharged. On the 24th of June White departed. In December, deponent met White in Lima, and reminded him of his debt, but he said he could not pay then.

Armand Louis Blondel (Tacna, 27th April), deposes :—On the 4th of April last year, White came to him and asked for employment in his mines at Huailillas. He worked some days as a digger, and then went away again in order to seek for a better position at Corocoro. Fol. 54.

Towards the end of July, White came again to deponent, so he does not think that White could have been guilty of the attempt.

Manuel Francisco Romero (Arica, 25th April), deposes :—In his opinion, White could not have stayed at Dorra's Hotel in July, as Donna Dorra stated, but in June, when he drew the note of hand for Dauling.

David Douglas (Arica, 25th April), deposes :—Besides his former evidence, he remembers that Dauling told him that White had asked him in writing—deponent does not know from what place—to uphold his credit by a certificate, as he was looked upon with suspicion. Dauling, however, did not do it, as he considered him a mysterious man; to which deponent agreed, as White was looked upon as such by all strangers at Corocoro. Fol. 60.

Patrick Dauling (Arica, 29th April), deposes :—He is quite convinced that White was at Tacna in June, as his note of hand shows. He confirms the above evidence of Douglas. The letter referred to was written from Callao. White wrote therein that he was much blamed there, because, when he went in the steamer "San Carlos" from Valparaiso to Arica, he had not paid the passage money. Deponent might, however, speak to Juan Ner from whom that report arose; for it was indeed true that at that time he had no money to pay his expenses, but that need not be published to his prejudice. Fol. 63.

Deponent had called White a mysterious man, because he travelled without purpose, without employment, and without means.

Isabel Palacios de Dorra (Tacna, 2d May), deposes :—According to the showing of a book which she keeps of the arrival and departure of the visitors, White came to her hotel on the 21st of July, and left on the 28th of the same month for Bolivia. Fol. 65.

Examination of the prisoner, at the prison, "Carceletas," (Lima, 29th May): —The prisoner refuses to answer the questions put to him, and protests against the treatment he is suffering, his being taken into custody, the investigation, &c., so long as the Consul General and British Chargé d'Affaires does not interpose. Fol. 71.

Manuel Eusebio Reyes (Tacna, 21st June), deposes :—He certainly introduced Romero and Douglas to each other at Dorra's Hotel, but knows nothing of all the rest. Fol. 94.

James Brain (Iquique, 26th June), deposes :—In October last year he travelled from Iquique to Callao, and met White at Islay, and spoke to him, being a fellow-countryman, and went from there in the "Respigadora" to Callao. White was very meanly dressed, and did not seem to have any luggage with him. Several persons on board said to deponent that White, who kept aloof from all, was continually travelling by the steamers, and had no employment. The steward of the "Bolivia" in particular said so, and added thereto, that he took White for a spy of the British Government. Deponent saw White very elegantly dressed on the day after they both arrived at Callao. He did not see him again until he went back to Iquique in the "Bolivia," at the same time as Echenique.

To a written application, dated 12th July, on the part of the Minister of the Interior to the Government of Bolivia, requesting the examination of Pedro Caro, Ierr, Thomas Pearson, Manuel Ruperto, and Emeterio Maldonado, who were residing there. There was, according to the account of the clerk, Banda, no answer up to the 7th of August.

By reason of these results of the investigation, on the 8th of August the Attorney General issued an order that Melville White, who gave out that he was captain of an English ship—as he proved himself to be an adventurer without office or employment, as he was in communication with the enemies of peace Fol. 101.

and order, and of the present government, and suspected of espionage—should now be regularly committed to prison (having been in custody hitherto by direction of the Ministry of the Interior) to take his trial.

Fol. 102.

On the 9th of August the pistol that was fired at President Castilla was shown to the prisoner, who declared that he did not know it. He again asked for an interpreter. Upon this, the order of the Attorney General, of 8th August, was read to him. He refused to sign. By an order of the 13th August, an interpreter was granted to the prisoner by the Attorney General, although the request was quite frivolous.

Fol. 104, sqq.

On the 20th of August the judge and the clerk repaired to the prison "Carceletas." First of all, his former evidence was read to the prisoner, and then that of all the witnesses examined during the investigation. He answered that he did not care for such evidence as that, which might easily be brought by the Peruvian Government. He protested against his violent arrest and the whole proceedings; in particular he held the judge, Ponce, responsible that an interpreter and all information upon his case had been refused, and that for several days together he had received no other food than dry and dirty rice. He demanded then, as he had previously in his written request of 17th July, the necessary documents for his information, which Ponce had refused without reason. He raised his protest against having been forced by threats to sign a false document in prison, in presence of his examiners and a guard of armed soldiers.

On the representation that the evidence of various witnesses, especially that of Brain, agreed that he was in suspicious communication with the enemies of the Republic, the prisoner declared that he protested against such accusations, which were only brought for the purpose of finding him guilty.

When the examination was over, the prisoner having refused as before to sign the depositions, he produced various papers and delivered them to the interpreter, in order that he should read their contents, as they contained the answers to the accusations brought against him. But scarcely was the beginning of these papers read when the judge, Ponce, found himself under the necessity of reminding the prisoner, with all moderation, that it did not become him, instead of answering the questions put to him, to go into abuse and accusation against the Government and the authorities, as he had done in his written statements. When, therefore, the further reading of the same was put off, the prisoner rose and cried out in a great passion that when he was once at liberty again he would have a word with Judge Ponce, and see which was the most respectable man, he, General Castilla, or the prisoner. He would then stand before Ponce, and pretty close to him.

The interpreter, and many of the political prisoners, were witnesses of this scene. After these exclamations, which were a challenge to a duel, the judge, Ponce, ordered the prisoner to be put in the stocks.

Fol. 108, sqq.

On the 28th August the Attorney General brought forward the public charge, that Thomas Melville White was staying in the country without occupation or means of livelihood, needy, and in debt, that he had suspicious relations with the enemies of the country, and expressed himself publicly in a hostile manner against the State Government; that the murderous attempt on the person of the President was not indeed brought home to him, but that he had not by any means been cleared of suspicion in relation to that affair, especially of having been an accessory; that the self-preservation of every Government made it not only a right but a duty to expel such individuals; that the accused Thomas Melville White be condemned to leave the country, and that he be not allowed to return to it.

On account of the scene on the 20th of August the judge, Ponce, was directed by the Attorney General to take no further part in this case, but to transfer it to another judge; the case was, therefore, transferred to the Judge Carillo.

Fol. 113.

To the document is added a letter from the British Chargé d'Affairs, dated Lima, 25th July, in which he replies to a question put to him in writing on the part of the Minister for Foreign Affairs, that certainly in the last quarter of the year 1860 one of his subordinates gave White, as well as other British subjects who asked for it, some money.

Fol. 115.

On the 14th of September the judge, Carillo, ordered that the regular proceedings in the case should begin within 24 hours, and that Dr. Thomas Gadea should act as advocate, and Pablo Mora as attorney for the accused. On the

18th this order was communicated to Pablo Mora, and on the 19th to the accused.

On the 26th of September Pablo Mora delivered his written defence of the accused, in which he alleges that Romero is influenced by affection for the President, and Douglas by avarice. That as White was not guilty of the murderous attempt he must be acquitted, because it was only upon an accusation to that effect that he was arrested and brought under examination. Fol. 116.

The President, Castilla, had stated upon oath, on the 18th of September, that he knew Douglas, and had corresponded with him.

On the 30th of November the judge, Carillo, decreed in first instance that as the evidence of Dorra and Blondel was opposed to the supposition that the accused had himself committed the attempt at murder, and that as there was not sufficient proof of his acting or assisting in this crime, or for the downfall of the State Government, he must at this instance be acquitted in regard to the charge of attempted murder, or of assisting to the same, as well as in regard to that of disturbing public order; but that as it was proved that he was travelling about the country as a vagabond, without employment, and was in suspicious communication with the enemies of the country, so that even his own countrymen expected evil doings from him, he must be banished the country and forbidden to return to it. Fol. 126, sqq.

This sentence was on the same day communicated to the Attorney General and to Pablo Mora; likewise to the accused on the 2d December, but he refused his signature. The judicial order was also communicated to him by which the permission to appeal, applied for by his defender, Pablo Mora, was granted.

After hearing the appeal, the superior court gave judgment thereon, on the 14th December, to the effect that as the accused, according to the evidence of Dorra and Blondel, had not committed the attempt at murder, and there was no evidence for a further charge, he must be acquitted, and the decree in First Instance annulled. At the same time the judge in First Instance was blamed for not having published the sentence within the time prescribed by law. Against this judgment the Attorney General put in a plea of nullity on the 16th December. Fol. 135.

The highest Court of Justice thereupon declared, on the 23d December, the judgment of the Superior Court null, as the accused was not only accused of the attempt at murder, but also of assisting in enterprises against the peace of the Republic. Now, as the accused by no means appears relieved in this respect, but rather it comes out from the evidence of the witnesses that he is a mysterious individual, and undertakes continual journeys to the capital of Bolivia and Chili without any known object, and also that he was met with on the same steamboat with Rufino Echenique, it must therefore be finally decided that in regard to the second point of the charge the accused is only discharged from the Instance, and must be placed under the supervision of the police. Fol. 138.

Pablo Mora was informed of this judgment on the same day. According to a written statement of White's, addressed to the criminal judge on the 15th January 1862, he was set at liberty on the 9th January of the same year.

II.

EXTRACT from the CORRESPONDENCE between the British Chargé d'Affaires and the Peruvian Ministry.

WHILE the investigation of the charges against him was going on, the prisoner found means to communicate a statement of his case to the editor of the "Comercio," a daily paper appearing at Lima, which was printed in the same on the 26th March 1861. When the Consul General and British Chargé d'Affaires, William Stafford Jerningham, thus got information of the arrest of the British subject, a correspondence extending from the 27th March 1861 to the 27th January 1863, took place between him and the Peruvian Ministry for Foreign Affairs, to the purport following:—

On the 27th March Mr. Jerningham inquired if it was true that a British subject named White was kept in custody, without having had the cause of his arrest communicated to him. An order of the previous Minister for Foreign

Affairs, Miquel Carpio, makes it the duty of the police authorities to give the British Chargé d'Affaires immediate notice of the arrest of any British subject.

In a letter of the 28th March, Mr. Jerningham makes the further complaint, that White was kept in custody without intercourse with any one, and that legal assistance had not once been allowed him, facts which the free British people look upon with horror and disgust.

On the 29th of the same, Melgar, Minister for Foreign Affairs, replied that every stranger had to submit himself to the laws of the country in which he lived, therefore British views of right could not come into the question. The Peruvian Government had no right to interfere with the ordinances of the authorities and the courts, so long as they proceeded according to law, and here the Government must decidedly guard against any attempt to exert an influence. No obligation to give notice to Jerningham of the arrest existed; it was impracticable, and if had been done before it was out of courtesy.

On the 17th April Mr. Jerningham, in accordance with a letter sent to him by White, made it a subject of complaint that the latter had been forcibly seized at Callao, roughly handled, threatened with the bayonet, and thrown into prison without any one knowing whether the arrest was by written order, as prescribed by law; that further, White was on the 23d April transported to Lima and there thrown into the prison of the Inquisition, into a dirty and loathsome dungeon, with condemned and manacled criminals, afterwards kept for days together in solitary confinement, without any communication, without sufficient food, and subject to insult from the soldiers; that, finally, under threats, he was repeatedly examined, and the examining judge, Ponce, said it was he upon whom his fate depended, until his decision he would be kept in custody without any further information. Mr. Jerningham further declares that the prisoner demands the immediate public examination of his case, to be confronted with the witnesses, and to have compensation for all the injustice he had suffered, violence, loss of liberty, and injury to his honour and reputation. In answer to this letter the Minister Melgar sent to Mr. Jerningham on the 16th of May the following report of Judge Ponce, in which he states,—

That he was charged with the examination of the prisoner, Melville White, on the 25th of March, by the Superintendent of Police, and informed that he lay under suspicion of having fired a pistol at President Castilla on the 25th of July 1860. On the same day he examined the prisoner, and being well acquainted with his judicial duties, no threats or intimidations were attempted. After the close of the examination he ordered that the prisoner should be kept in prison and not allowed to hold communication with any one. This solitary confinement lasted two days, and a place was chosen for this purpose in the court-yard of the prison, which had previously served as the residence of the keeper (Castellan). It was airy and better by far than the locality in which political prisoners are confined. The other complaints about bad and cruel treatment, which appear of themselves but little worthy of credit, must have been made by White without good cause, in an ebullition of passion. The demands of the prisoner were received, and the decisions upon them were communicated to him. With regard to his being prohibited from holding communication, the prisoner cannot complain as far as the two days are concerned during which the prohibition lasted, as he found means during that period of getting articles inserted in the newspapers, and had, according to his own declaration, received a newspaper from a prisoner from which he could learn the reason of his imprisonment.

The food which the prisoner received was tested daily by the judges, and care taken that it should be wholesome, nourishing, and of good quality. He, the judge, Ponce, had spoken with the Intendant of Police, and obtained that White should receive the sum allowed to political prisoners (one dollar per diem), which he, however, refused.

The apparent delay in the investigation is explained by the necessity for extensive correspondence between Lima and the law courts of Arica and Tacna, where witnesses in the case had to be examined.

In another report, by Benjamin Marriategni, Harbour Captain at Callao, which accompanies the above-mentioned letter, it is stated, "By the 'Bolivia,' Ensign Antonio Valdovieso, arrived at Callao from Arica, and he on the 23d of March gave notice to the first lieutenant, who, as first adjutant, superintended matters

matters connected with the arrival of the ship, that he was charged by the Harbour Captain of Arica to mention that Melville White, an individual suspected by the Government, was on board. Thereupon Lieutenant Illadoy, as soon as White came on shore, told him that he was his prisoner. He followed without resistance, and was placed at the disposal of the Prefect General.

After repeated interpellations and complaints from the British Chargé d'Affairs to the effect especially that, at the command of Judge Ponce, White had been put into irons, the Minister, Melgar, obtained a further report from Ponce, a copy of which was communicated to Mr. Jerningham on the 23d of October, as follows:—

“White has since his imprisonment been treated with the same lenity as is shown to every other accused person, whatever be the offence he is charged with. An apartment was assigned to him in the prison, which freed him from the contact of other prisoners without preventing him from having intercourse with his friends, for he received numerous visits, among others from Colonel O’Gorman. With regard to the food, he had no reason to complain as he had disdained the money offered to him. The complaint of White, that he had received no written declaration respecting the accusation against him, is entirely without foundation, for this declaration is contained in the collection of documents which he himself signed. The whole collection of documents was, moreover, read to him. Instead, however, of exculpating himself from the depositions of the witnesses, he abused in an unheard-of manner the Peruvian Government, courts, and proceedings; so that he, Ponce, found himself obliged to put him in the stocks for a short time, not exceeding 10 minutes.

“With regard to the complaints concerning the refusal of counsel, what the law requires was done, namely, counsel was appointed after the preliminary examination of the accused was concluded.

“The final decision in the proceedings taken against White having in the meantime been given, the British Consul General made, on the 16th of May 1862, a communication to the Minister, Melgar, that he had received instructions from the British Government to demand, in its name, pecuniary compensation for the British subject, Thomas Melville White, as he had been kept in prison without cause for 10 months, during which time he had been cruelly treated, but had at length been exculpated from the charge made against him.

“Ribeyra showed in his reply of the 15th of September 1862, that such a demand was based neither on general law nor on the decisions of national law. White had, by being without any occupation, by his mysterious manner, his suspicious acquaintances, and journeys, drawn upon himself the attention of the police, and he was subjected to an examination because it was believed, not without reason, that he was the instigator of the attempt to murder the President of the Republic. He is not one of those inoffensive foreigners who, by leading an industrious and respectable life, show themselves deserving of the hospitable friendship extended to them. But as White was not examined without suspicion, but on the most weighty grounds, there was reason for a thorough investigation, the more so as one of the greatest of crimes was in question, namely, that of murder against the person of the Chief of the State.

“The result was, that the strong grounds of suspicion were never removed; the accused, therefore, was freed from the instance for want of satisfactory evidence, although he was by no means declared not guilty.

“There was, therefore, no proof whatever of a hostile feeling towards a British subject, nor was there any delay or partiality in the course of justice. It is only in cases of evident injustice that a complaint should be made by the agency of diplomacy. Not the slightest ground, however, existed for bringing such a charge against the judges who acted in this case; on the contrary, the abuse which White heaped upon them, whilst in the performance of their duties, was leniently overlooked.

“White has left the accusations respecting his political agitations against the Government totally unanswered, although he was not deprived of any means of defence whatever that were legally admissible. Counsel was granted to him as to any native of the country, and he was defended with the utmost zeal. He appears to be one of those foreigners who interfere in the affairs of State, but who, when called upon to answer for their misconduct, appeal to their excep-

tional position and claim the protection of their consul, to avoid being brought to justice.

"For these reasons, the Minister, Melgar, considered the complaints put forward as completely refuted, and declined, on the part of the Government, a responsibility which it could never admit.

"On the 8th of January 1863, Mr. Jerningham informed the Minister, Paz Soldan, that he was ordered by the British Government to claim for White the sum of 4,500 *l.*, as a compensation for the ill-treatment he had suffered, and to enter into no further negotiations of any kind in the question. The British Government expected an explanation within a reasonable time, and would not suffer the demand to remain unsettled.

"To this Soldan, the Minister for Foreign Affairs, replied that he had made known the contents of the above letter to the President of the Republic, and had been instructed to state that the British Government must have been misinformed as to the transactions, as all White's complaints had been refuted.

"It does not appear what foundation there was for the claim made in so peremptory a manner, to the exclusion of further negotiations, especially as up to this time it rested solely on the assertions of White, which could not possibly be deemed sufficient to inculcate a Government, and render it responsible for alleged ill-treatment undergone. These unfounded accusations of White's appear to have been purposely invented to produce dissension between the Peruvian and the British Governments, in order thereby to obtain a capital.

"But, even if White had been definitively acquitted, which was not the case, there would have been no ground for requiring the Peruvian Government to indemnify him in the sum demanded, as such a proceeding in favour of a foreigner would be an innovation in the legislation of Peru, which would entail the most serious consequences.

"The exclusion of further negotiations on the question is the more surprising, as Lord Russell remarked, according to the copy of a note dated 31st of July 1861, addressed to the British Chargé d'Affaires, and communicated to the Ministry: 'That the Government of Her Majesty is of opinion that all further discussions on this subject should take place at Lima.' The Peruvian Government believes that it has a right to place full confidence in this remark, and to look forward to a discussion which has not hitherto taken place. Besides which, Mr. Jerningham on the 13th of May 1861 expressly reserved to himself further discussion. Thereupon Mr. Jerningham repeated on the 26th January 1863, that he had strict instructions not to enter into any further discussion whatever; inasmuch as the British Government had well considered everything, and had fixed the sum demanded accordingly.

"This correspondence was closed by the Peruvian Government, to refer the final settlement of the question to arbitration."

III.

AWARD of the COMMISSION appointed by the Senate of the Free Hanse Town of *Hamburg*, to adjudicate in the case of Captain *Thomas Melville White*, referred for arbitration by the Governments of *Great Britain* and *Peru*.

THE demand of the British Government for an indemnification of 4,500 *l.* in favour of *Thomas Melville White* from the Republic of Peru, now under consideration, is based on the following points:—

1. The arrest and the long unjust imprisonment of White, founded on a serious but wholly groundless and unsupported accusation.
2. The suffering and annoyances to which he was subjected during his imprisonment.
3. The neglect of the rules and principles not only of Peruvian but of universal law, which was evinced by delaying the trial, and by the manner in which the preliminary proceedings were conducted.
4. His expulsion from the Peruvian dominions, as the result of these unjust proceedings.

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As Captain Thomas Melville White has also communicated a statement drawn up by him as claimant, it is to be observed, in reference to that document, that it can only be taken into consideration as being specially referred to in the representations of the British Government.

It appears to be in general a passionate and partial account, with obvious misrepresentations and exaggerations, and wherein candour is wanting; for this reason the British Government could not get a clear idea of its contents. The arbitrator has, therefore, only to keep to the official representations of the Government.

The four above-mentioned complaints will now be examined separately:—

1. With regard to the first complaint, the unjustifiable arrest and long imprisonment, it is first of all to be shown that White was arrested on the 23d March 1861, and, as his own account of the matter has not been contradicted, (White's letter, Folio 140 of the Investigation Documents), he was released on the 9th January 1862. The arrest took place in consequence of a communication made by Romero to the Harbour-Captain at Arica, that he had reliable information that White was the delinquent who had attempted to murder the President of the Republic of Peru, Don Ramon Castilla. Now there can be no doubt that it became the imperative duty of all the authorities—in consequence of the universally known fact that the President Castilla had been wounded, on the evening of the 24th of July 1860, by a pistol-shot, fired by an unknown hand, and that the investigations to discover the author of this attempt had hitherto led to no definite result—to use all means in their power to prosecute inquiries with respect to such a suspected person, after the information given by an official of the Republic.

The crime in question was one of the most serious nature, and the arrest of the suspected person was the less to be avoided, as he was caught travelling and was well known to be without any fixed residence. It therefore remains to be ascertained whether the arrest of White was accomplished according to the precepts of the Peruvian laws applicable to the case.

Now, Art. 18, Tit. IV., of the "*Constitution Política de Peru Reformada en 1860*" enacts that no person shall be arrested without a written order of the competent judge, or of the authorities whose duty it is to maintain public order, "*excepto in flagrante delicto*," and that in every case the arrested person shall be placed at the disposal of the proper tribunal within 24 hours. In the present case White was arrested at Callao on the 23d of March 1861, and on the same day, on the application of the Préfet Freyre, there came the order from the Minister Morales that he should be kept in custody, sent to Lima, and there placed at the disposal of the criminal judge. (Folio 2 of the Investigation Documents.)

By this the above legal requirement was the more undoubtedly satisfied, as at least a preliminary detention of the person caught on his journey must appear to be demanded at once; and if the Préfet Freyre, who apparently had the power of issuing the written order for the arrest, did not do so himself, but left the decision to the highest authority, it can only be looked upon as a proof of his caution and care in the performance of his duty.

The second part of the first point of complaint advanced on the part of the British Government contains the assertion that the imprisonment of White had taken place in an unjust manner, on a serious but unfounded and in no way supported accusation. As a further proof of this assertion, it is said, at page 4 of the statement drawn up in the name of the British Government, that White was, according to the judgment in First Instance, accused of being the instigator only of the crime of murder, and that no other accusation whatever was brought against him. This single accusation was, however, in the course of the proceedings, not only proved to be quite groundless, but that there was no evidence at all, nor a single fact, to give any apparent ground for it. But herein the British Government, irrespective of the correctness of the facts contained in its statement of the matter, proceeds on the erroneous supposition that the rules of criminal procedure in England are to be held good and applied in the criminal proceedings in Peru; but, little doubt as there can be that the rules of procedure to be observed by the courts in any country are to be judged solely and alone according to the legislation in force there, it is quite as certain that in the proceedings

in White's case no fault can be found with the Peruvian courts of justice, or with the Peruvian Government, since they were fully justified according to the Peruvian procedure.

The difference between the English and the Peruvian mode of proceeding, which latter obtains also in other countries, consists in the diversity of the principle observed in the accusation and investigation. In Peru, when there are grounds for suspecting any person, an investigation takes place, during which all means are employed which may lead to the establishment of any crime whatever, without such investigation being limited to the particular crime of which the accused was originally suspected. It is only after the completion of the investigation, which embraces everything that can be elicited during the proceedings, that the Attorney General can proceed to the framing of the formal act of accusation, in which all the facts brought to light in the investigation are to be considered. Then only is the accused put upon his trial, and counsel appointed to defend him; up to this point he has only been the subject of inquisition; the whole of the proceedings, before the time of accusation, are withheld from the public. It is obvious, therefore, that the principles of proceeding on simple accusation, observed in England, cannot, in any way, find application in Peru, and therefore it is not consistent with justice, on the part of the British Government, to reject, as inadmissible, the statements of the Attorney General relating to the first accusation of Romero against White. This view is founded on the erroneous supposition that Romero is the accusing party, and therefore bound by his statements.

It is further, also, to be pointed out, that the assertion that Romero only accuses White of being the instigator of the attempt to murder is in nowise in accordance with the documents; for it was not the first preliminary information given to a subordinate authority, the harbour-captain at Arica (the only object of which was the arrest of White), but his depositions on oath before the judge, that would then have to be considered as the complaint. But herein also is found the accusation that White was associated with open enemies of the country, and implicated in a plot against the Government of Peru, and it was distinctly stated that he was an obstinate conspirator (Folio 21 of the Accusation Documents). Although the sworn statements of Romero and Douglas, which fully agreed with each other, were, in regard to White having himself attempted to murder the President Castilla, certainly only suppositious, yet such positive facts were elicited as proved beyond doubt the hostile feeling of White towards the Government, and led to the fear that he might commit acts which would endanger the peace of the country. It was thus the strict duty of the judge to continue the investigation, with all care and exactitude, as long as other disclosures might be expected therefrom; and so all persons who might be supposed to have relations with the person under inquisition, or to be acquainted with him and his doings, were examined, except that unfriendly relations with the Republic of Bolivia rendered the examination of persons residing there impossible.

It may here be observed that probably the testimony of Caro, who for this reason could not be examined, and to whom Douglas referred several times in his depositions, would have been of particular value; it was therefore impossible to avoid waiting, at least a reasonable time, for an answer to a request to the authorities of Bolivia, dated 12th July, concerning the examination of Caro.

A glance at the depositions of the accused himself, and of the witnesses examined, will suffice to prove that the charge of Romero was by no means unsupported.

The accused deposes that he is on friendly terms with General Echenique, and admits that he is without occupation, as he believes he will be able to obtain it at Guayaquil by the interest of his friend. He admits that he is totally without means, as he received pecuniary assistance from the British Chargé d'Affaires, which is confirmed by the latter himself (Folio 113 of the Investigation Documents).

The witness Douglas deposes to having heard the accused speak ill of the President Castilla, and wish for his fall; further, that the accused had been present at an assembly at Corocoro, in which a toast had been drunk to the fall of Castilla and the elevation of Echenique, and that it had been stated it would be sufficient for this end to get Castilla out of the way. Caro, a friend of the accused, had told him (the witness), "This man (White) will create a great sen-

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sation in Lima." Deponent has seen bills of exchange from Echenique in the hands of the accused, and knows that he has much intercourse with him.

Andrew Wilson deposes that the accused was thought to be a spy. Romero knows that he frequently travelled to visit Echenique, and that he was in connection with him and Linarez, whilst it could never be understood whence he derived the money for his journeys, as he was without occupation.

Calista Peralta suspects him of being connected with a political association hostile to the Government, from his mysterious manners and the frequency with which he tries to alter his appearance. Brain, Isabel, Dorra, Dauling, Worm, Williams, and others testify unanimously that the accused makes frequent journeys to the Republic of Bolivia and to Lima, without having any known business, and that he is in debt.

At the conclusion of the investigation, the accusation of the Attorney General now declares that White is proved to be an individual without means or occupation, in debt, and without any fixed residence, and at the same time a friend of notorious enemies of the country; that he was strongly suspected of having attempted the murder of President Castilla, and of participating in plots against the Government; but, as such proofs as the law requires for the purpose of conviction were wanting, the Attorney General proposes that the accused be released from the Instance, but that he be banished from the Republic as a foreigner without occupation and means, and of proved bad conduct.

The sentence of the First Instance is fully in accordance with this proposition; the sentence passed in Second Instance by the *Corte Superior*, on the appeal in the name of the accused, annulled the previous sentence, and declared the accused quite free; finally, the sentence in Third Instance of the *Corte Suprema*—which, strange to say, has not been mentioned at all in the statement of the British Government—declares the sentence in Second Instance null and void, and certifies further that White has not only been accused for an attempt to murder, but also of participating in enterprises against the peace of the Republic, and frees him in this latter respect only from the Instance, with the orders that he be placed under the surveillance of the police.

Therefore, not only is the above-mentioned assertion, that the exclusive accusation against White was an attempt to murder, based upon error, but it is evident that the further assertion, namely, that it was proved in the course of the proceedings that this sole accusation was quite groundless, is in manifest contradiction to the documents, which can only be explained by the essential void in the statement of the British Government, occasioned by the omission of the sentence in Third Instance. But it is precisely on this final sentence that a proper understanding of the case depends, whilst all the conclusions drawn by the British Government, being based on the judgment in Second Instance, are valueless, as this sentence itself has been declared void. Moreover, the sentence in Third Instance, in so far as it frees White only from the Instance, is the more justified, as, besides that the accused had by no means fully cleared himself from the grounds of suspicion, the examination of all the witnesses could not take place, on account of the external obstacles which interposed, and it might well be expected that a future examination of the witnesses Caro, Jerr, Maldonado, Pearson, and Ruperto would throw further light on the suspicions against the accused that were not cleared up.

Therefore the first point of complaint is to be pronounced of no force; and now there is to be investigated how far, second, the sufferings and injuries to which the accused was subjected, during his imprisonment give just occasion for a complaint.

Here it is to be observed, first of all, that in general, when the question concerns complaints made by a person kept long in prison of such injuries as he has endured during his imprisonment, his own assertions are always to be examined with the greatest caution; and unconditional credence is the less to be given to them, as such complaints very frequently arise in cases where the imprisonment was well deserved, and in nowise too severe. Now, it appears incontrovertibly, from the documents, that White, being at the time of the arrest a foreigner, without occupation, income, or any fixed domicile, was by no means a personage who could lay claim to particular credibility for his statements, and especially not when the matter in question was a claim from which he, according to his own view, was to receive a good round sum of money. Numerous contradictions and demonstrable falsehoods which he put forward will be noticed hereafter in their proper places. To prove that the British Government, so far as it has

sifted the matter, has always given by far too much weight to the assertions of White, it may suffice here to refer to that part of his statement (*vide* p. 22 ff.) which is described as an extract from the Investigation and Process Documents. It contains, in almost every line, the most evident and grossest misrepresentations of the truth, as, on the one side, everything implicating White is throughout passed over in the extract, whilst what is quoted is often either entirely falsified, or at least so disconnected that the result appears quite contradictory to the documents. For example may be quoted that, according to the statement of White, the sentence in First Instance reads, in its decisive part, word for word as follows:—

“Upon which grounds I ought to acquit, and do acquit, Thomas Melville White, as regards complicity in the crime of which he is accused, and generally from co-operating to upset public order; but he must be expelled,” &c.

Whereas in the attested English translation, from the documents which he had before him, the sentence corresponding with the Spanish original is as follows:—

“Upon which grounds I ought to acquit, and do acquit, *from this Instance*, Thomas Melville White, as regards,” &c.

It is further said, page 30: “Page 139 (of the English translation) contains the sentence passed by the Supreme Court in claimant’s case, the substance of which is as follows:—

“*We confirm* the sentence of the Superior Court, acquitting Melville White of the horrible charge of which he has been accused. He must remain under the vigilance of the police.”

But it is stated, word for word, on page 139 of that attested English translation:—

“*They declared null* the sentence pronounced by the Most Illustrious Superior Court, in as far as regards that, in absolute manner, it absolves Thomas Melville White, and reforming it, absolved him from the Instance (*Instantia*) as to the rest of the charges that have weighed against him, and have been cited, and he ought to remain subject to the vigilance of the police.”

And in the face of such wilful misrepresentations of the truth, Thomas Melville White maintains by declaration, in place of oath, before Major Rosi, on the 25th of September 1863, “that all the statements contained in the subjoined case, written and drawn up by me, are strictly in conformity with truth.”

No weight whatever ought, therefore, to be attached to the assertions of a man so wanting in veracity.

On entering upon the second point of complaint, it is, in the first place, scarcely necessary to remark, that the arrest of White, as carried out, was fully justified, and was effected without any resort to force; for the harbour-captain, Benjamin Mariategui, reports that White submitted without resistance to the order for his arrest, and there is nothing that could support a contrary supposition.

The above-mentioned complaint may be thus specified in detail: that White was kept in custody for a long time *incommunicado*; that he had been kept, up to the 27th of August, confined in a dirty loathsome cell, without sufficient food, and, lastly, that he had been subjected to torture and ill-treatment. Now, with regard to the first point, it has not been asserted at all that, according to Peruvian law, the Examining Judge has no power to order the imprisonment of a person under examination debarring communication. It would be unjust to deny the judge such power on the general principles of law; it ought rather to be taken for granted that, when a person has been arrested on suspicion of a serious crime, the judge can often only secure the necessary disclosures by preventing all communication with the prisoner, and thus avoid the danger of collusion, by which the investigation might be prejudiced. Besides, according to the Report of Judge Ponce, White was only in custody *incommunicado* for two days (namely, on the 26th and 27th of March); and Judge Ponce, to prove that the isolation was by no means strict, justly states that even during this time the prisoner found means to elude the order, as, according to his own statement, he received a newspaper from a fellow-prisoner, and found means to have his written complaint printed in the Journal *Comercio* of the 26th of March.

It is, moreover, fully proved by the depositions of Bauda, Carillo, Milan, and Harzu, who were examined upon oath at the beginning of April (Folio 9 *et seq.* of the Investigation Documents), that White, at the beginning of the imprisonment,

was not *incommunicado*, but received frequent visits from his countrymen, and had, moreover, the opportunity of repeating his complaints and threats before fellow-prisoners.

By the same witnesses it has been proved—and this also has been acknowledged by the British Government (*vide* page 16 of its statements), but denied by White (*vide* page 22 of his statement)—that the sum allowed to political prisoners to procure comforts during their imprisonment (namely, one dollar per day) had been repeatedly offered to White, but was refused by him in an insolent manner. His statement, therefore, that he had for days together received no other food than damaged rice is the less credible, as Judge Ponce declares, in his report of the 29th of April 1861, that the food given to prisoners is, according to the legal regulations, tested by the judges every day, and that strict care is taken that it be good and wholesome. With regard to the locality in which the prisoner was, Judge Ponce declares that, so long as the isolation of the prisoner lasted, a place was assigned to him in the courtyard of the prison, which had formerly been the residence of the keeper (*castellan*), and was airy and by far better than the locality assigned to political prisoners. Ponce further reports, on the 23rd of October 1861, that during the whole of his imprisonment, up to that time, an abode had been assigned to him which freed him from contact with other prisoners, without preventing him from receiving the visits of his friends: in fact, he received frequent visits, amongst others from Colonel O'Gorman. The credibility of these official reports of Ponce does not appear to be at all shaken, for there is nothing whatever against them except the assertions of White, which have been partly refuted by the fullest proof, and which do not appear to be sustained by the slightest probability. The British Government has mentioned nothing that would do so, nor has it referred to the documents contained in his statement, which therefore do not require consideration. But it may be openly stated that the pretended declarations of Henry Cornell, produced in an unattested copy, cannot be attended to at all, since there is no warrant whatever for their genuineness; further, that the voluntary depositions of O'Gorman, on the 28th September 1863, cannot be allowed to have any force as proof, considering that, at that time, two years and a half had elapsed since White's arrest, that nothing was positively known either of the deponent himself or of his relations with White; but these depositions themselves are only calculated to lead to the conjecture that he was too intimately connected with the interests of White to be willing to give altogether the unbiassed truth. Now and then he is guilty of notoriously false statements; for instance, when he asserts (page 39 of White's statement):—

“That from the first moment of his incarceration, it was notorious in Lima (where the real perpetrator of the crime was well known), that Captain Thomas Melville White was entirely innocent; and the Government, in a few weeks after his arrest, had positive information, from their own official authorities, that he was, at the time of the attack made in Lima on General Castilla, a thousand miles from that city.”

It can only be thought natural that the British Government has not even once appealed to such testimony as this.

An evident refutation of White's statements in regard to the condition of his prison must be found in this: that Mr. Barton personally visited the prisoner, on the 23rd of August 1861, as representative of Mr. Jerningham, and on the following day wrote the letter before us in reference thereto to the Minister Melgar. He says not a word about having found the prison unfit, but merely requests to be informed whether it was likely that the investigation would soon terminate, as the prisoner complained that he was suffering from an affection of the liver in consequence of his long detention. When therefore, on the following day, a better prison was assigned to White (page 24 of the Report of the British Government), it only shows how anxious the Government and authorities of Peru were to anticipate the wishes on behalf of the prisoner.

The description of White's sufferings which precedes the above-mentioned letter of Mr. Barton, who is supposed to have witnessed them, is in evident contradiction with the contents of this document, and appears to be only based on the false statements of White.

The occasion of that visit of Mr. Barton was the complaints made by White of the tortures that he had suffered in the “barra,” in which he had been shut up

for a long time. But it is proved by the documents (*see fol. 106 of the investigation documents*) that White, on his examination on the 20th of August, demanded the reading of various documents, which, as is admitted at page 23 of the statement of the British Government, were drawn up in an unbecoming tone, and contained abuse of the Government and of judicial persons.

But it is again a misrepresentation when it is said that the judge on this occasion was not satisfied with refusing to receive these documents, but ordered White to be put in irons; for he received this punishment for having answered Judge Ponce by personal threats, when cautioned with regard to these documents (*see fol. 107 and 108 of the investigation documents*).

Such contempt of the dignity of the judge demanded punishment, and that inflicted on White does not appear to have been too severe, as, according to the official statement of Ponce, dated 7th of September, he was not shut up in the "barra" for more than 10 minutes.

After all this, there is not the slightest proof that White was treated during his arrest with undue severity; and his unsupported assertions with reference to his treatment have not even probability in their favour, considering his proved untrustworthiness, and in the face of the official reports of the judge and other authorities.

3. The third complaint of the British Government is, that in the present case the rules and principles of Peruvian law, and the universal sense of justice, have been neglected, as is demonstrated by the delay of the trial, and by the course and mode of proceedings which preceded it.

In the first place, with regard to the delay of the trial itself, it has been already stated that the mode of criminal procedure in Peru is a combination of proceedings on investigation and accusation, and that, in conformity therewith, the accusation can only be proceeded with after the preliminary investigation is fully completed.

Now by a decree of the Attorney-General of the 8th of August, the penal proceedings were commenced, and the accused was informed of this decree on the same day; on the 11th it was ordered that Judge Carillo should take cognizance in First Instance after the penal accusation had been made, and he gave up the further instruction of the matter on the 14th to Juarez. On the 13th the Attorney General ordered the appointment of an interpreter, on the representation of the accused that he had to make some declarations in his cause. This interpreter was appointed on the 19th; on the 20th the final examination of the accused took place, and on the 23d of August came the public accusation on the part of the Attorney General. On the 26th of September the Advocate, Pablo Mora, delivered his written defence; on the 30th Juarez ordered the examination on oath of the President Castilla for the completion of the documents. This examination took place on the 18th of October. On the 8th of November Juarez ordered the production of an authenticated copy of the "*decreto de interdiction*," which was obtained on the 10th, and on the 30th of November the sentence in First Instance was delivered. It is evident from this account that no delay had taken place from the delivery of the accusation to the 10th of November; and if the Judge in First Instance was reprimanded by the sentence of the Corte Superior for not having delivered his sentence sooner, this reprimand can only refer to a delay between the 10th and 30th of November, as he had not acted as judge at all in the investigation.

As the sentence in Second Instance was given on the 14th of December, and that of the Corte Suprema on the 23d of that month, it certainly appears that sentences in criminal cases are delivered in Peru with especial promptitude. But as the period of 20 days between the completion of the documents and the finding, in First Instance, cannot be considered a delay of importance, compensation on this ground in favour of the accused can be the less demanded as, according to the Peruvian law, a fine (*ordnungsstrafe*) only can be imposed in cases of delay in official judicial proceedings. It is, moreover, to be questioned whether the reprimand of the judge by the Corte Superior ever came into operation, as the Corte Suprema has declared the sentence of that tribunal to be null.

It remains, therefore, to investigate how far the above-named third complaint of the British Government appears to be founded on the course of the proceedings during the preliminary examination.

This

This complaint may be divided, according to the contents of the statement before us, into the following points:—1. That a written order, by virtue of which White was arrested, was never shown or delivered to him; 2. That no document containing an accusation was produced during the investigation; 3. That an interpreter was denied to White, notwithstanding his request; 4. That no counsel was allowed him up to the conclusion of the investigation; 5. That force and intimidation were resorted to in the examinations during the investigation, and that the examinations were altogether of a very inquisitorial character; 6. That White was not confronted with any of the witnesses on whose evidence the accusation of the Attorney General was based; 7. That the investigation and, consequently, the opening of the trial had been delayed.

As regards the first point, it has already been stated that the written order of arrest above mentioned was issued by the Minister Morales, as prescribed by the law. The Art. 18 of Tit. 4 of the *Constitution Politica del Peru* ordains—"Los ejecutores de dicho mandamiento estan obligados á dar copia de el siempre que se les pidiere" (Those who execute this order are bound to give a copy of it whenever they are asked).

Now, it does not appear from the Investigation Documents that White himself ever asked for the communication of such a copy, whilst, according to the above legal provision, it was in that case only that it was usual to give the same; but there can be the less doubt that a copy would have been delivered to him on his asking for it, as from the documents it is evident that the whole of the important judicial decrees had been handed over to him whenever the rules of procedure permitted. A reference to the correspondence between Mr. Jerningham and the Minister Melgar shows that the former requested to be informed, on the 17th of April, whether the arrest of White had been legally made on the written order of a competent authority. To this question a perfectly satisfactory answer may be found in the reports of Miguel Bagnero and Manuel Freyre of the 1st of May, communicated to Mr. Jerningham. It is, however, certain that from the 20th of August, at any rate, White was aware of the wording of the order of arrest, although he had not asked any official for the production of the copy, as on that day the whole of the documents were read over to him (Folio 104 of the Investigation Documents).

Lastly, an irregularity on the part of the authorities against the prescription of Tit. IV., Art. 18, could only entail a fine, as the documents prove that the order of arrest had been made according to law, and that, consequently, no material right of the prisoner had been violated.

The fact of no document containing the accusation having been put before the accused requires no justification. In the preliminary investigation the communication of the accusations and grounds of suspicion takes place regularly and properly only when the investigating judge who has to prepare the accusation considers it necessary.

No less untenable is the complaint that no counsel was allowed to the accused during the investigation. That appears to be utterly inadmissible in preliminary investigations. At the opening of the judicial trial, counsel was granted to White, as the Peruvian law requires, and he conducted the defence with the utmost zeal. It is evident that the granting of counsel in preliminary investigations preceding a criminal trial cannot be claimed by Art. 7 of the Treaty of the 10th April 1850, which stipulates that in no case shall counsel be denied to British subjects any more than to natives, as at this stage counsel is not allowed to natives. (*See Report of Judge Ponce, dated 7th September 1861.*)

The complaint also that an interpreter was denied to the accused is proved to be unfounded. The report of Banda (Folio 7 of the Investigation Documents) proves that the accused was asked, before the examination, whether he was acquainted with the Spanish language, and that he replied in the affirmative. White's knowledge of the language may also be inferred from his signing, without protest, the minutes of the examination (folio 6, *ibid.*), and it is also proved by the testimony of Calista Peralta (folio 48, *ibid.*). The order, therefore, of the Attorney General which denied this request as frivolous is fully justified.

The assertion of White that threats and intimidations were used, and that he had even been forced to sign a false document, appears to be a pure invention in the face of the documents and the official reports of Ponce (*Vide Folios 4 and 102 of the Investigation Documents*), and the reports of Ponce of the 29th of April and 7th of December 1861.

That White was forced to sign any document is the more evidently untrue, as not only was there no reason whatever for it, but also because he refused to sign nearly all the documents laid before him; nor was he ever asked to do so a second time, for it was quite immaterial to the course of the proceedings whether his signature was given or not.

Finally, just as little can there be any just complaint that the accused was not confronted with any of the witnesses examined, the order for such confrontation depending solely on the discretion of the investigating judge, and on his conscientious consideration whether it would be desirable for the purpose of ascertaining the true state of the case.

In the present case the Judge could not deem it desirable, as there were no contradictions to be cleared up, for which purpose such confrontations are usually ordered; for White says nothing at all against the evidence of the witnesses, but contented himself by declaring that such testimony did not affect him, and accusing the Peruvian Government of having bought it.

But, as it is stated on page 17 of the statement of the British Government, "It appears that the Judges, when they ascertained from his answers to their own interrogatories that he desired any particular witnesses to be examined on his own behalf, took similar means for procuring the testimony of these witnesses." It is only thereby acknowledged that the Judge did his duty according to the legally inquisitorial character of the preliminary investigation for a penal accusation.

It must be repeated, that the principles of law which obtain in England are not applicable here.

Now, as White was arrested on the 23d of March 1861, and the accusation of the Attorney General was not made until the 28th of August, it appears at first sight that the investigation lasted an unusually long time. But it was necessary, first of all, to examine a great number of witnesses, and at four places far distant from each other—namely, Lima, Arica, Tacna, and Iquiqui; and it appears from the documents that the time up to the 4th of July was fully occupied by that examination, and by the necessary official communications of the various courts with each other, as well as those of the acting judges with the higher authorities for the purpose of obtaining their decisions; and there does not appear to be any grounds for charging the courts and authorities with laziness. On the 4th of July it was reported from Arica that the examination of the witnesses, Pedro, Caro, Jerr, Thomas Pearson, and Manuel Ruperto could not be obtained, as they resided in the Republic of Bolivia. Then, as it could not well be left undone in the then state of the investigation, the necessary steps were taken to obtain their evidence there; but as no answer had, up to the 8th of August, been given by the Ministry of the Republic of Bolivia to the written request made for that purpose, the Attorney General, in order to avoid a useless delay, decided on the following day that the proceedings should be commenced forthwith. That from this day no delay took place up to the sentence in the Third Instance, with the exception already mentioned as not satisfactorily explained, but at all events of no importance, has been shown above.

This complaint also must, therefore, be considered as disposed of.

4. The last complaint of the British Government—"The expulsion of White from the territory of Peru, as the result and consequence of such unjust proceedings."

As the basis of this complaint, the statement of the British Government says (at page 29), that although the Corte Superior had annulled the sentence in the First Instance, that White should quit the country, the Peruvian Government ordered him to leave the country, and that this order had been transmitted to him through the prefect of the town of Lima, to whom he was ordered to present himself on his release on the 9th of January 1862.

These alleged facts are, however, contradicted by the documents. In the first place, the sentence of the Corte Superior is of no importance, as that sentence was quashed by the Corte Suprema, and only orders a surveillance by the police of the accused, who was freed from the Instance. There is no mention, therefore, of banishment in the sentence. Moreover, there is no foundation whatever for the assertion that the Peruvian Government gave this order of banishment contrary to the final judgment. The circumstance also that this complaint was never pressed at the previous diplomatic proceedings by the British Government against the

the Peruvian Government does not add to its credibility ; but the untruth of this assertion is evident from the letter which White addressed to the criminal judge on the 15th of January, in which he requests (Fol. 1 of the Investigation Documents) to be furnished forthwith with copies of the documents of the trial, " as he was obliged to quit the Republic on account of urgent private affairs."

As it appears, therefore, from all that precedes, that the British subject, Captain Thomas Melville White, was arrested on Peruvian territory, on occasion of serious suspicions, based upon important information ; that the investigation has been conducted with zeal and circumspection, in conformity with the regulations of the Peruvian laws, and without procrastination ; that he was publicly accused in consequence of the result of this investigation, and by no means found innocent, and was therefore not absolved by the legally valid sentence of the Supreme Court of Lima, whose jurisdiction is not at all questioned, from the charge of hostile agitation against the Republic, but only freed from the Instance ; whilst the assertions that White had been treated during his arrest with cruelty and severity, and expelled the country by the Peruvian Government, contrary to the sentence, when not in direct contradiction to the documents, are wholly destitute of any credible foundation ;—the present claim on the part of the British Government for a pecuniary compensation for White appears of no force whatever, and is to be rejected as unfounded.

The costs to which each party has been put with regard to these proceedings are to be borne by themselves. The costs incurred by the Commission in these proceedings are to be paid, a moiety by each party.

In fidem.

(signed)

W. Cropp,
Secretary.

Hamburg, 13 April 1864.

CAPTAIN MELVILLE WHITE.

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Hamburg in the Case of Captain *Melville*
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RELATING TO

P O L A N D.

(In continuation of Papers presented to Parliament in July 1863.)

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

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LIST OF PAPERS.

No.								Page
1. Earl Russell to Lord Napier	..	..	..	..	..	..	August 11, 1863	1
2. Earl Russell to Lord Napier	..	..	..	..	..	..	August 11, —	4
3. Lord Napier to Earl Russell	..	..	..	..	..	..	August 19, —	4
4. Prince Gortchakoff to Baron Brunnow	..	..	..	..	..	..	August 26 September 7 ⁹	4
5. Earl Russell to Lord Napier	..	..	..	..	..	..	October 20, —	6
6. Lord Napier to Earl Russell	..	..	..	..	..	..	October 27, —	6

Correspondence relating to Poland.

No. 1.

Earl Russell to Lord Napier.

My Lord,

Foreign Office, August 11, 1863.

ON the 18th of last month Baron Brunnow communicated to me a despatch which he had received the evening before from Prince Gortchakoff.

This despatch, of which I inclose a copy,* is far from being a satisfactory answer to the representation which, in concert with France and Austria, Her Majesty's Government addressed to the Cabinet of St. Petersburg.

The despatch begins, indeed, by stating that "the Imperial Cabinet admits the principle that every Power signing a Treaty has a right to interpret its sense from its own point of view, provided that the interpretation remains within the limits of the meaning that it is possible to put upon it according to the text itself." Prince Gortchakoff adds, "In virtue of this principle the Imperial Cabinet does not dispute this right on the part of any one of the eight Powers which have concurred in the General Act of Vienna of 1815."

Prince Gortchakoff, however, departing widely from the question of the interpretation of the Treaty of Vienna, proceeds to ascribe the continuance of the insurrection in Poland to the moral and material assistance which it receives from without; admits vaguely the six points; rejects the proposed suspension of hostilities; refuses to accept a Conference of the eight Powers who signed the Treaty; and, finally, declares that the re-establishment of order must precede the serious application of any measures destined for the pacification of Poland.

Her Majesty's Government will now proceed to examine calmly the principal topics of Prince Gortchakoff's reply to the considerations brought before him in my despatch.

1. Prince Gortchakoff, while he admits that confidence on the part of the governed, and the ascendancy of law over arbitrary power, must be the foundation of order and stability, adds that the indispensable corollary to these principles is respect for authority. But the Russian Cabinet cannot be ignorant that clemency and conciliation are often more effective in establishing respect for authority than material force. It would be a lamentable error to seek to restore that respect by force of arms alone, without the addition of some adequate security for the political and religious rights of the subjects of the King of Poland. Such security the proposals of the three Powers held out to Russia and to Poland alike.

It has pleased the Cabinet of St. Petersburg not to avail itself of this mode of restoring respect for authority.

2. Prince Gortchakoff affirms—and this view is the theme of the beginning and end of his despatch—that the re-establishment of order in Poland is dependent upon a condition to which he had called the attention of the Government of Her Britannic Majesty, "and which is not only unfulfilled, but is not even alluded to in the despatch of Lord Russell; we refer to the material assistance and moral encouragements obtained from abroad by the insurgents."

Her Majesty's Government would have been glad to have avoided this topic, and instead of commenting on the past, to refer only to healing measures for the future.

But thus compelled by Prince Gortchakoff's reference to allude to the subject, Her Majesty's Government have no hesitation in declaring their conviction that the principal obstacle to the re-establishment of order in Poland is not the assistance obtained by the insurgents from abroad, but the conduct of the Russian Government itself.

The Empress Catherine in 1772 promised to the Poles the maintenance of their

* See "Correspondence respecting the Insurrection in Poland, 1863," Part IV, presented to Parliament, July 20, 1863.

religion. The Emperor Alexander I in 1815 promised to the Poles national representation and national administration.

These promises have not been fulfilled. During many years the religion of the Poles was attacked, and to the present hour they are not in possession of the political rights assured to them by the Treaty of 1815 and the Constitution of the same year.

The violation of these solemn engagements on the part of the Russian Government produced disaffection, and the sudden invasion of the homes of Warsaw in a night of January last was the immediate cause of the present insurrection.

Unless the general feeling in Poland had been estranged from Russia, the moral and material assistance afforded from abroad would have availed the insurgents little. It is true, however, that lively sympathy has been excited in Europe in favour of the Poles. In every considerable State where there exists a national representation,—in England, in France, in Austria, in Prussia, in Italy, in Spain, in Portugal, in Sweden, in Denmark,—that sympathy has been manifested. Wherever there is a National Administration, the Administration has shared, though with prudence and reserve in expression, the feelings of the legislature and the nation.

Russia ought to take into account these sympathies, and profit by the lesson which they teach.

3. Prince Gortchakoff lays much stress on the fact, which cannot be denied, that “the insurgents demand neither an amnesty, nor an autonomy, nor a representation more or less complete.”

But it would be a mistake to suppose that in cases of this kind there are only two parties, viz., the Government occupied in suppressing the insurrection, and the leaders of the insurgents busy in fomenting and extending it. Besides these parties there is always in such cases a large floating mass who would be quite contented to see persons and property secure under a just and beneficent Administration. The confidence of this great mass has not been obtained, and their continued inaction can hardly be depended upon.

Her Majesty's Government must again represent the extreme urgency of attempting at once the work of conciliation which is so necessary for the general interest.

In profiting by the loyal and disinterested assistance which is offered her by Austria, France, and Great Britain, the Court of Russia secures to herself the most powerful means towards making ideas of moderation prevail in Poland, and thus laying the foundations of permanent peace.

4. In referring to the Treaty of Vienna, Prince Gortchakoff says that “we should not be far from the truth if we affirmed that the 1st Article of the Treaty of Vienna was prepared by and directly emanated from His Majesty the Emperor Alexander I.”

Her Majesty's Government readily admit the probability of this supposition. In 1815, Great Britain, Austria, France, and Prussia would have preferred to the arrangement finally made, a restoration of the ancient Kingdom of Poland as it existed prior to the first partition of 1772, or even the establishment of a new independent Kingdom of Poland, with the same limits as the present kingdom.

The great army which the Emperor Alexander then had in Poland, the important services which Russia had rendered to the Alliance, and, above all, a fear of the renewal of war in Europe, combined to make Great Britain, Austria, and Prussia accept the arrangement proposed by the Emperor Alexander, although it was, in their eyes, of the three arrangements in contemplation the one least likely to produce permanent peace and security in Europe.

But the more Her Majesty's Government see in the decision adopted the prevailing influence of Russia, the more they are impressed with the conviction that the Emperor of Russia ought to be, of all Sovereigns, the most desirous to observe the conditions of that arrangement.

It would not be open to Russia to enjoy all the benefits of a large addition to her dominions, and to repudiate the terms of the instrument upon which her tenure depends.

In stating these terms Prince Gortchakoff says that the only stipulation which can have made it appear doubtful that the Emperor of Russia possessed the Kingdom of Poland by the same title as that by which he holds his other possessions, the only one which could make his rights dependent upon any condition whatever, is contained in two passages, which he proceeds to quote.

But there is another passage which he does not quote. It is found in the beginning of the 1st Article, and says:—

“The Duchy of Warsaw, with the exception of the provinces and districts which are otherwise disposed of by the following Articles, is united to the Russian Empire, to

which it shall be irrevocably attached by its Constitution, and be possessed by His Majesty the Emperor of all the Russias, his heirs and successors in perpetuity."

Were not a national representation intended by this Article it would have been sufficient to say, "to which it shall be irrevocably attached," without any mention of a Constitution.

It is, therefore, evident that the Constitution is the link by which Poland was connected with Russia. It is important to know what this Constitution was which united Poland and Russia. It was not prescribed by the Treaty; it was not promulgated by the European Powers; its construction was left entirely to the Emperor Alexander: but nevertheless, when once promulgated, it must be taken to be the Constitution meant by the framers of the Treaty of Vienna.

It was for this reason that Her Majesty's Government proposed as the second of the six points laid before the Government of Russia, "national representation with powers similar to those which are fixed by the Charter of the 1st 5th November, 1815."

5. Passing to the specific propositions of Her Majesty's Government, Prince Gortchakoff says in regard to the six points, that the greater part of the measures which were pointed out by the three Powers "have already been either decreed or prepared on the initiative of our august Master."

Towards the end of the despatch an allusion is made to "the measures which His Majesty adheres to, both in the germs already laid down, and in the development of them which he has allowed to be foreseen."

This passage, though far from being a definite assurance either of a national representation with efficacious means of control, or of a national administration, gives some hope that the Emperor Alexander will ultimately listen to the inspirations of his own benevolent disposition and to the counsels of Europe.

The proposal of a suspension of hostilities is rejected "in justice to the Emperor's faithful army, to the peaceable majority of Poles, and to Russia, on whom these agitations impose painful sacrifices."

The proposal of a Conference of the Powers who signed the Treaty of Vienna is rejected, and with it the prospect of an immediate and friendly concert.

In the place of this fair and equitable proposal, the Russian Cabinet suggests that the three Powers who proposed the separate Treaties between Austria and Russia, and Prussia and Russia, previously to the General Treaty of Vienna, should meet together, and that France and Great Britain should be afterwards informed of the result of their deliberations.

There are two reasons, either of which would be sufficient to condemn this suggestion:—

1. The Treaties in question, taken apart from the provisions inserted in the General Treaty of Vienna, have reference only to material objects,—the use of the banks of rivers, the regulations for towing paths, the free passage of merchandize from one province to another, and such other matters of convenience and of commerce. No political developments or details are contained in them.

2. It is obvious that such a Conference would place Austria in a false position, and be inconsistent with her relations to France and Great Britain.

His Majesty the Emperor of Austria, therefore, with a proper sense of his own dignity, has at once rejected the Russian proposal.

In communicating their views to Prince Gortchakoff, it remains to Her Majesty's Government to discharge an imperative duty.

It is to call his Excellency's most serious attention to the gravity of the situation, and the responsibility which it imposes upon Russia.

Great Britain, Austria, and France have pointed out the urgent necessity of putting an end to a deplorable state of things which is full of danger to Europe. They have at the same time indicated the means which, in their opinion, ought to be employed to arrive at this termination, and they have offered their co-operation in order to attain it with more certainty.

If Russia does not perform all that depends upon her to further the moderate and conciliatory views of the three Powers, if she does not enter upon the path which is opened to her by friendly counsels, she makes herself responsible for the serious consequences which the prolongation of the troubles of Poland may produce.

I am, &c.

(Signed) RUSSELL.

No. 2.

Earl Russell to Lord Napier.

My Lord,

Foreign Office, August 11, 1863.

I HAVE to instruct your Excellency to read to Prince Gortchakoff, and to give his Excellency a copy of, my previous despatch of this day's date. But before doing so you will concert with your Austrian and French colleagues as to the time and mode in which the communication of the replies to Prince Gortchakoff's despatch respecting Poland shall be made to his Excellency.

I am, &c.
(Signed) RUSSELL.

No. 3.

Lord Napier to Earl Russell.—(Received August 24.)

My Lord,

St. Petersburg, August 19, 1863.

YOUR Lordship's despatch of the 11th instant, embodying the reply of Her Majesty's Government to the Russian communication of the 18th ultimo respecting the affairs of Poland, reached me on the night of the 16th. The French Ambassador had been for several days in possession of the instructions of his Government, and the Austrian Chargé d'Affaires had received his orders on the previous evening.

In conformity with the instructions contained in your Lordship's other despatch of the 11th instant, I concerted with my colleagues that an application should be addressed to Prince Gortchakoff on the 17th instant for interviews at which the communications of our respective Governments might be laid before his Excellency.

Prince Gortchakoff appointed an hour this afternoon for each of us at the Foreign Office in St. Petersburg.

The Austrian Chargé d'Affaires was received first.

I waited upon the Vice-Chancellor at 1 o'clock, and placed your Lordship's instruction in his Excellency's hands. The Prince read it through aloud, and informed me at the close that he would take the orders of the Emperor.

The French Ambassador entered as I left the apartment of the Vice-Chancellor. I have seen the Duke de Montebello since. I learn from his Excellency that he communicated the despatch of M. Drouyn de Lhuys and the Memorandum accompanying it to the Russian Minister, and received the same reply which had been given to me.

I have, &c.
(Signed) NAPIER.

No. 4.

*Prince Gortchakoff to Baron Brunnow.—(Communicated to Earl Russell by Baron Brunnow, September 14.)**Tsarkoe-Selo, le ^{26 Aout,}_{7 Septembre} 1863.*

LORD NAPIER m'a donné, d'ordre de son Gouvernement, communication d'une dépêche de Lord Russell, dont votre Excellence trouvera ci-près la copie.

Elle sert de réponse à ma dépêche du $\frac{1}{13}$ Juillet dernier, que vous avez été invité à communiquer à M. le Principal Secrétaire d'Etat de Sa Majesté Britannique.

Les ouvertures que nous avions consignées dans cette pièce nous avaient été inspirées par le désir d'arriver à une entente.

En accueillant les observations qu'elles ont suggérées à Lord Russell avec l'attention que nous accordons toujours aux opinions du Gouvernement de Sa Majesté Britannique, nous ne pouvons que regretter de devoir en conclure que nous n'avons pas atteint le but que nous nous étions proposé.

Du moment où cette polémique n'aboutirait qu'à constater et à confirmer la divergence de nos points de vue, elle serait trop contraire à nos dispositions conciliantes pour que nous cherchions à la prolonger, et nous ne croyons pas nous éloigner en cela de la pensée de M. le Principal Secrétaire d'Etat de Sa Majesté Britannique.

Nous préférons ne nous attacher qu'aux points essentiels de ses dépêches, sur lesquels nous nous trouvons d'accord, au moins d'intention.

Le Gouvernement de Sa Majesté Britannique désire voir promptement rétabli dans le Royaume de Pologne un état de choses qui rendrait la tranquillité à ce pays, le repos à l'Europe, la sécurité aux relations des Cabinets.

Nous partageons entièrement ce désir, et tout ce que peut dépendre de nous sera fait pour le réaliser.

Notre auguste Maître reste animé des intentions les plus bienveillantes envers la Pologne, les plus conciliantes envers toutes les Puissances étrangères.

Le bien-être de ses sujets de toutes les races et de toutes les convictions religieuses est une obligation que Sa Majesté a acceptée vis-à-vis de Dieu, de sa conscience, et de ses peuples. L'Empereur consacre toute sa sollicitude à la remplir.

Quant à la responsabilité que Sa Majesté peut assumer dans ses rapports internationaux, ces rapports sont réglés par le droit public. Sa violation de ces principes fondamentaux peut seule entraîner une responsabilité. Notre auguste Maître a constamment respecté et observé ces principes envers les autres Etats. Sa Majesté est en droit d'attendre et de réclamer le même respect de la part des autres Puissances.

Vous voudrez bien donner lecture et copie de cette dépêche à M. le Principal Secrétaire d'Etat de Sa Majesté Britannique.

Recevez, &c.

(Translation.)

Tsarkoe-Selo, ^{August 26,}
^{September 7,} 1863.

LORD NAPIER has, by order of his Government, communicated to me a despatch from Lord Russell, of which your Excellency will find a copy hereunto annexed.

It is an answer to my despatch of the ^{1st}_{15th} July last, which you were invited to communicate to the Principal Secretary of State of Her Britannic Majesty.

The overtures which we had set forth in that document were dictated to us by the desire to arrive at an understanding.

In receiving the observations which they have suggested to Lord Russell with the attention which we always pay to the opinions of Her Britannic Majesty's Government, we cannot but regret that we must come to the conclusion that we have not attained the end which we had proposed to ourselves.

From the moment that this discussion could only end in establishing and in confirming the divergence of our views, it would be too contrary to our conciliatory disposition for us to seek to prolong it; and we believe that in this we are not acting at variance with the sentiments of the Principal Secretary of State of Her Britannic Majesty.

We prefer to fix our attention only upon the essential points of his despatches, upon which we find ourselves agreed, at least in intention.

Her Britannic Majesty's Government desire to see promptly re-established in the Kingdom of Poland a state of things which shall restore tranquillity to that country, repose to Europe, and security to the relations of the Cabinets.

We entirely share in this desire, and all that can depend upon us shall be done to realize it.

Our august Master continues to be animated by the most benevolent intentions towards Poland, and by the most conciliatory towards all foreign Powers. To provide for the welfare of his subjects of all races and of every religious conviction is an obligation which His Imperial Majesty has accepted before God, his conscience, and his people. The Emperor devotes all his solicitude to the fulfilment of that obligation.

As regards the responsibility which may be assumed by His Majesty in his international relations, those relations are regulated by public right. The violation of those fundamental principles can alone involve responsibility. Our august Master has constantly respected and observed those principles with regard to other States. His Majesty has the right to expect and to claim the same respect on the part of the other Powers.

You will be pleased to read and give a copy of this despatch to the Principal Secretary of State of Her Britannic Majesty.

Receive, &c.

Earl Russell to Lord Napier.

My Lord,

Foreign Office, October 20, 1863.

BARON BRUNNOW has communicated to me a despatch from Prince Gortchakoff dated ^{August 26} ~~September 7~~, in reply to my despatch to your Excellency of the 11th ultimo, of which you were instructed to give a copy to his Excellency.

Her Majesty's Government have no wish to prolong the correspondence on the subject of Poland for the mere purpose of controversy,

Her Majesty's Government receive with satisfaction the assurance that the Emperor of Russia continues to be animated with intentions of benevolence towards Poland, and of conciliation in respect to all foreign Powers.

Her Majesty's Government acknowledge that the relations of Russia towards European Powers are regulated by public law; but the Emperor of Russia has special obligations in regard to Poland.

Her Majesty's Government have, in the despatch of the 11th of August and preceding despatches, shown that in regard to this particular question the rights of Poland are contained in the same instrument which constitutes the Emperor of Russia King of Poland.

I am, &c.
(Signed) RUSSELL.

P.S.—Your Excellency is instructed to give a copy of this despatch to Prince Gortchakoff.

No. 6.

Lord Napier to Earl Russell.—(Received November 9.)

My Lord,

St. Petersburg, October 27, 1863.

IN conformity with your Lordship's telegraphic instructions I waited on Prince Gortchakoff this forenoon, and placed in his Excellency's hands your Lordship's despatch of the 20th instant, having reference to the affairs of Poland.

The Vice-Chancellor read your Lordship's despatch through aloud without offering any remark. At the conclusion his Excellency observed that in the communication with which I was charged he saw a proof of the friendly disposition of Her Majesty's Government, and an act conformable to the true interests of Poland, for the moderation of Her Majesty's Government must discourage the exaggerated expectations of the Revolutionary party, and hasten the moment when the Emperor would be enabled to carry into effect his benevolent intentions towards his Polish subjects.

I have, &c.
(Signed) NAPIER.

POLAND.

Correspondence relating to Poland.

(In continuation of Papers presented to Parliament
in July 1863.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

COMMUNICATIONS

WITH THE

FRENCH GOVERNMENT

RESPECTING

POLAND.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:

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LIST OF PAPERS.

No.							Page
1.	Lord Cowley to the Earl of Clarendon	..	..	..	..	September 16, 1855	1
2.	Count Walewski to Count Persigny	..	..	..	..	September 15, —	1
3.	The Earl of Clarendon to Lord Cowley	..	..	..	..	September 22, —	4
4.	Lord Cowley to the Earl of Clarendon	..	..	..	..	September 24, —	5
5.	The Earl of Clarendon to Lord Cowley	..	..	..	..	September 26, —	5
6.	Lord Cowley to the Earl of Clarendon	..	..	..	..	October 3, —	5
7.	The Earl of Clarendon to Lord Cowley	..	..	..	..	October 5, —	6
8.	Lord Cowley to the Earl of Clarendon	..	..	..	..	October 8, —	6

Communications with the French Government respecting Poland.

No. 1.

Lord Cowley to the Earl of Clarendon.—(Received September 17.)

My Lord,

Paris, September 16, 1855.

A COMMUNICATION of considerable importance is about to be made to your Lordship on the part of the French Government.

The Emperor is most anxious that in any future discussions for the re-establishment of peace the condition of Poland should be considered. Count Walewski informs me that he has addressed a long and elaborate despatch on this subject to M. de Persigny.

He observed to me that the political position of Poland was settled by the Treaties of 1815; that the Treaties were made chiefly against France, and that if France is called upon, on all occasions, to respect them, she has, in her turn, a right to call for a like observance of them by others; that both France and England would have been justified in going to war when the political condition of Poland was arbitrarily changed by the Emperor of Russia, but that their not doing so did not bar their right to take advantage of any opportunity which might present itself to put forward the claims of that kingdom. But although France and England had not considered it necessary to go to war, they had protested against the injury practised against Poland, and their protests were upon record, but that now that war had broken out on other grounds, it was their duty and interest to make the re-establishment of the Kingdom of Poland, as defined and settled by the Treaties of 1815, one of the conditions of peace. Count Walewski added that neither the Emperor nor himself doubted of the acquiescence of Her Majesty's Government in such moderate views.

It would not have become me to pronounce any opinion on a subject of so much importance without some previous knowledge of the language which Her Majesty's Government might wish me to hold. I could, of course, have no doubt as to their sympathies, but I could not prejudge their policy. I listened, therefore, to Count Walewski in silence.

I have, &c.
(Signed) COWLEY.

No. 2.

Count Walewski to Count Persigny.—(Communicated to the Earl of Clarendon by Count Persigny, September 22.)

M. le Comte,

Paris, le 15 Septembre, 1855.

CETTE dépêche a pour but d'appeler votre attention et de vous engager à fixer celle du Gouvernement de Sa Majesté la Reine Victoria sur une question qui excite à juste titre la sollicitude de l'Empereur, et à laquelle le Cabinet de Londres ne prend sans doute pas moins d'intérêt. Il s'agit de la question de la Pologne; je n'en parlerai que dans la mesure pratique du possible, et à un point de vue qui, j'aime à le croire, aura l'assentiment du Ministère Anglais.

Au moment où les glorieux succès des armées alliées semblent autoriser l'espérance de voir se rapprocher le terme de la guerre, et lorsque, en vertu des principes de désintéressement et de loyauté si hautement proclamés par la France et l'Angleterre dès

le début de la lutte, le rétablissement de la paix devra n'apporter aucun changement à l'ensemble des circonscriptions territoriales consacrées par les Traités de Vienne de 1815,— à ce moment, dis-je, le Gouvernement de l'Empereur en rappelant avec quel respect scrupuleux la France a constamment observé ces Traités si onéreux pour elle, se croit justement fondé à demander que d'autres Puissances, pour qui leurs stipulations n'étaient pas moins obligatoires, soient tenues de les respecter et de les exécuter avec la même fidélité.

Parmi ces stipulations, l'Article I du Traité de Vienne du 9 Juin, 1815, en prononçant la réunion du Duché de Varsovie à l'Empire de Russie, régla qu'il y serait lié invariablement par sa constitution sous le nom de Royaume de Pologne. Ce n'était là, sans doute, qu'une réparation bien incomplète de l'injustice des partages qui ont anéanti la Pologne. Toutefois, c'était un hommage rendu par la Russie au principe indélébile de la nationalité Polonaise, et le Royaume de Pologne avec sa constitution, avec son administration distincte et son armée toute nationale, possédait en réalité des garanties qui manquaient aux autres provinces démembrées. Ces garanties et l'ordre de choses qu'elles avaient pour but de protéger ont disparu en 1831, après la répression de l'insurrection de la Pologne, sous l'influence d'une politique violente et réactionnaire. Contrairement à des promesses et à des assurances formelles de l'Empereur Nicolas, le Royaume de Pologne, incorporé à la Russie, n'a plus été qu'une province de cet Empire. Les Traités qui en avaient constitué l'existence politique étaient ouvertement méconnus. Et cependant, celui du 9 Juin, 1815, était alors comme aujourd'hui, un acte essentiellement Européen, par lequel toutes les Parties Contractantes sont liées virtuellement l'une envers l'autre, et chacune d'elles envers toutes. Ni le soulèvement de la Pologne ni le triomphe de l'armée Russe sur les insurgés n'avaient pu, sous aucun rapport et à aucun titre, dégager la Russie de ses obligations à l'égard des Etats avec la participation et sous la garantie desquels ce Traité fut signé. La France et l'Angleterre réclamèrent contre une telle infraction au droit public de l'Europe; et si, dans l'intérêt du maintien de la tranquillité générale, elles évitèrent d'en faire un cas de guerre, toutes deux n'en réservèrent qu'avec plus de force les droits pour lesquels elles venaient de protester, en attendant qu'il s'offrit une occasion de les rappeler et de les soutenir avec plus de force.

Cette occasion peut, M. le Comte, ne pas tarder à naître, et le moment est venu de se préparer à faire du rétablissement du Royaume de Pologne, dans les conditions stipulées par le Congrès de Vienne, un des objets essentiels des négociations de la paix, aussitôt qu'elles deviendront possibles, en même temps qu'une des bases fondamentales de cette paix. Une demande semblable de la part de la France et de l'Angleterre n'aurait assurément rien de nouveau ni d'inattendu; elle ne serait que la conséquence logique des réclamations présentées à une autre époque en faveur de la Pologne, et viendrait attester d'une manière encore plus solennelle les grands principes d'équité et d'équilibre politique qui les unissent et les dirigent. En un mot, la France et l'Angleterre, pour prix de tant et de si douloureux sacrifices déjà faits et qu'elles continuent de faire à la cause de l'indépendance et de la sécurité de l'Europe, ont certainement le droit de vouloir qu'une question qui s'y trouve si essentiellement liée soit ramenée à une solution plus conforme à ces grands intérêts; et je pourrais ajouter, plus conforme aussi à ceux de la Russie, qui verrait ainsi disparaître pour elle une cause incessante de troubles et de fâcheuses complications.

Le Gouvernement de l'Empereur se plaît à espérer que celui de Sa Majesté Britannique, envisageant au même point de vue cette importante question, n'appréciera pas moins la nécessité de la comprendre dans les futures négociations de la paix, et n'hésitera point à unir ses efforts aux nôtres pour obtenir le redressement d'un acte contre lequel la conscience des Gouvernements et des peuples n'a cessé de protester, car le temps n'a pu en affaiblir ni l'iniquité ni les funestes conséquences.

Vous voudrez bien donner lecture et laisser copie de cette dépêche à Lord Clarendon, et m'informer des dispositions du Cabinet Anglais.

Agréé, &c.
(Signé) WALEWSKI.

(Translation.)

M. le Comte,

Paris, September 15, 1855.

THE object of this despatch is to call your attention and to invite you to direct the attention of the Government of Her Majesty Queen Victoria to a question which justly excites the solicitude of the Emperor, and in which the Cabinet of London is doubtless no less interested. I mean the question of Poland; I shall only speak of it within the limits of what is possible, and from a point of view which I flatter myself will meet with the assent of the English Government.

At a moment when the glorious successes of the allied armies seem to warrant the hope that we may see the end of the war drawing near, in virtue of the disinterested and loyal principles so loudly proclaimed by France and England since the beginning of the struggle, the restoration of peace must introduce no change in the general territorial circumscriptions consecrated by the Treaties of Vienna of 1815. At this moment, I say, the Government of the Emperor, recalling the scrupulous respect with which France has constantly observed these Treaties so onerous for her, believes herself entitled to demand that other Powers, upon whom their stipulations were not less binding, should be held to respect and to execute them with the same fidelity.

Among these stipulations, the 1st Article of the Treaty of Vienna of June 9, 1815, in declaring the union of the Duchy of Warsaw with the Empire of Russia, ruled that it should be unchangeably bound to it by its Constitution under the name of Kingdom of Poland. This was doubtless only a very incomplete reparation of the injustice of the partitions which have annihilated Poland. At any rate it was a tribute paid by Russia to the indelible principle of Polish nationality, and the Kingdom of Poland, with its Constitution, with its distinct administration and its purely national army, possessed in reality guarantees which were wanting to the other dismembered provinces. These guarantees and the order of things which it was their aim to protect disappeared in 1831 after the suppression of the insurrection of Poland, under the influence of a violent and reactionary policy. Contrary to promises and to formal assurances of the Emperor Nicholas, the Kingdom of Poland, incorporated with Russia, has since been nothing but a province of that Empire. The Treaties which had constituted its political existence were openly disregarded, and yet, that of the 9th June, 1815, was then, as now, an essentially European act, by which all the Contracting Parties are virtually bound to one another, and each of them to all the rest. Neither the insurrection of Poland, nor the triumph of the Russian army over the insurgents, could in any respect or by any right relieve Russia from her obligations towards the States with whose participation and under whose guarantee this Treaty was signed.

France and England protested against such an infraction of the public law of Europe; and if, in the interest of the maintenance of general tranquillity, they avoided making it a cause of war, they both reserved with only greater force the rights for which they had been protesting, while waiting till an opportunity offered for reiterating and supporting them with increased vigour.

This opportunity, M. le Comte, cannot fail to occur, and the moment is arrived for preparing to make the re-establishment of the Kingdom of Poland, according to the conditions stipulated by the Congress of Vienna, one of the essential objects of the negotiations for peace, as soon as they become possible, as well as one of the fundamental bases of such peace.

Such a demand on the part of France and England would assuredly be in no way novel or unexpected; it would be only the logical result of the representations put forward at another epoch in favour of Poland, and would tend to attest in a still more solemn manner the great principles of equity and political equilibrium which unite and direct them. In a word, France and England, in return for the many and painful sacrifices which they have already made and continue to make for the cause of the independence and safety of Europe, have certainly the right to desire that a question so essentially connected with the same should be brought to a solution more in conformity with these great interests, and, I might add, more conformable to those of Russia, who would thus see disappear an incessant cause of troubles and vexatious complications for herself.

The Government of the Emperor indulges in the hope that that of Her Britannic Majesty, looking at this important question from the same point of view, will not the less appreciate the necessity of including it in the future negotiations for peace, and will not hesitate to unite their efforts with ours for obtaining redress for an act against which the conscience both of Governments and of nations has never ceased to protest, inasmuch as time has not been able to diminish either its iniquity or its melancholy results.

You will be so good as to read and leave a copy of this despatch with Lord Clarendon, and to inform me of the intentions of the English Cabinet.

Accept, &c.
(Signed) WALEWSKI.

The Earl of Clarendon to Lord Cowley.

(Extract.)

Foreign Office, September 22, 1855.

I INCLOSE the copy of a despatch from Count Walewski,* which Count de Persigny has placed in my hands, with respect to the reconstitution of the Kingdom of Poland. His Excellency having read to me the despatch, I assured him that I would lose no time in bringing before the Cabinet the important subject to which it related; and I requested him to consider the observations I was about to make as the expression of my own personal opinion. It appeared to me, I said, that, upon general principles as well as for reasons which especially concerned France, the view taken by the Emperor of the question was indisputably just and correct. France had with perfect good faith observed the Treaties of 1815, and the first act of the Emperor's reign had been a declaration that he would not disturb the territorial arrangements secured by these Treaties. His Imperial Majesty was therefore completely justified in complaining that Russia should have been allowed to violate the engagement she had contracted by the 1st Article of the Treaty of Vienna, and in demanding that the reconstitution of the Kingdom of Poland should form one of the conditions of peace with that Power.

Her Majesty's Government, I added, were as desirous as that of the Emperor not only that the Treaty of Vienna should be fulfilled as an act of justice towards Poland, but also that the independence of Poland should be re-established as the most effectual barrier which Europe could possess against the encroachments of Russia, and the only question was whether the present moment would be opportune for England and France to contract any engagement upon the subject, and to bind themselves not to make peace until Russia pledged herself to give effect to the Treaty of Vienna with regard to Poland, and I ventured to think it was not, because we might be sure that any engagement, or even understanding, come to between the two Powers for this object would in a very short time become public, and would create alarm in Europe. It would be said, not without some reason, that upon the first news of victory England and France had lost sight of the original causes of the war, had thrown aside the terms upon which they had declared they would be ready to make peace, and intended to demand from Russia a concession which she would never make until she was far more beaten and humbled than at present.

We should thus, by an engagement which would be premature and which would not further the object in view, set all Europe (but more especially Austria, whose conduct with respect to Cracow was fully as unjustifiable as that of Russia towards Poland) against us, and fear would be felt, or pretended, that further successes against Russia would lead to fresh demands.

A sudden but not unnatural change had taken place in public opinion throughout Europe. A great delusion has been dispelled; the resources of Russia are no longer thought to be inexhaustible, and it is now known that she can be successfully assailed in her own territory. Her military prestige was destroyed, but alarm was already beginning to manifest itself at the imposing force presented to Europe by the union of England and France, and no efforts would be spared and no means would be neglected to break up the alliance.

As these efforts, however, would fail, and as we might hope for further military successes, it was not unreasonable to expect that the Powers of Europe would take part with the victors, and then would be the fitting time to consider seriously the question of Poland.

I thought therefore that without entering into any engagement, or binding themselves to any particular course of action, it would be sufficient for England and France to agree generally upon the principle involved in this question, and to determine that future events should as far as practicable be turned to account in favour of Poland.

I further begged to suggest to Count Persigny that, although the people of England and France were well disposed towards Poland, and would gladly learn that the wrongs of that unfortunate country were redressed, yet it might well be doubted whether they would for that object consent indefinitely to prolong the war, and whether the two Governments would not lose the support of public opinion in carrying on the war if it became known that the reconstitution of Poland were made a condition *sine quâ non* of peace.

M. de Persigny promised to report what I had said as the expression of my own

individual opinions, but I have now to inform your Excellency that Her Majesty's Government, after mature deliberation have concurred in those opinions, and you are therefore instructed to read this despatch to Count Walewski.

No. 4.

Lord Cowley to the Earl of Clarendon.—(Received September 25.)

My Lord,

Paris, September 24, 1855.

I HAD the honour to receive yesterday, shortly before I went to St. Cloud, your Lordship's despatch of the 22nd instant, giving the opinion of Her Majesty's Government upon the observations lately submitted to them on the part of the Emperor respecting the re-establishment of the Kingdom of Poland. I took, therefore, the opportunity of stating to the Emperor in general terms the nature of the observations contained in the despatch, and I requested His Majesty to read himself the concluding paragraphs, which sum up in a few words the conclusions of Her Majesty's Government.

The Emperor said that the nature of the proposition which he had desired Count Walewski to make through M. de Persigny to your Lordship had been entirely misunderstood. He had simply stated that, in his opinion, whenever negotiations for peace were resumed with Russia, the re-establishment of the Kingdom of Poland, as settled at the Congress of Vienna, should be insisted upon, and he wished to know whether Her Majesty's Government coincided in that opinion. He demanded nothing new—no alteration of the map, but merely that which was part of the general international law of Europe; nor had he asked for any engagement from Her Majesty's Government; he had only inquired whether their opinion agreed with his. He was quite satisfied with the answer returned by your Lordship and was quite willing to leave the question to be decided by the march of events.

I endeavoured to see Count Walewski after leaving the Emperor, in order to fulfil your Lordship's instructions by reading him the despatch in question, but I was unable to find him.

I have, &c.
(Signed) COWLEY.

No. 5.

The Earl of Clarendon to Lord Cowley.

My Lord,

Foreign Office, September 26, 1855.

I HAVE to acknowledge the receipt of your Excellency's despatch of the 24th instant, reporting a conversation which your Excellency had held with the Emperor of the French relative to the propositions of His Imperial Majesty for the reconstitution of the Kingdom of Poland, and I have to state to your Excellency in reply, that I approve of the language which you held to His Majesty on this occasion.

Her Majesty's Government would gladly see the Kingdom of Poland reconstituted, if the course of events proved favourable to that important measure.

I am, &c.
(Signed) CLARENDON.

No. 6.

Lord Cowley to the Earl of Clarendon.—(Received October 4.)

My Lord,

Paris, October 3, 1855.

I HAVE communicated to Count Walewski your Lordship's despatch of the 26th ultimo, relative to the Emperor's views in regard to Poland. His Excellency asked me to furnish him with a copy of it, but as your Lordship only instructed me to read it to him, I said that I must refer his request to you.

I have, &c.
(Signed) COWLEY.

No. 7.

The Earl of Clarendon to Lord Cowley.

My Lord,

Foreign Office, October 5, 1855.

IN reply to your Excellency's despatch of the 3rd instant, stating that Count Walewski has requested a copy of my despatch of the 22nd ultimo on the subject of the reconstitution of Poland, I have to authorize your Excellency to give a copy to Count Walewski.

I am, &c.
(Signed) CLARENDON.

No. 8.

Lord Cowley to the Earl of Clarendon.—(Received October 10.)

My Lord,

Paris, October 8, 1855.

IN consequence of the authorisation conveyed to me in your Lordship's despatch of the 5th instant, I have furnished Count Walewski with a copy of your Lordship's despatch of the 22nd ultimo, relative to the reorganisation of Poland becoming a condition of peace in any future negotiations with Russia.

Count Walewski profited of the opportunity to state that the views and opinions of Her Majesty's Government on this matter, as laid down in that despatch, were in perfect unison with those of the Government of the Emperor, and he expressed an intention of instructing M. de Persigny to give your Lordship this assurance.

I have, &c.
(Signed) COWLEY.

POLAND.

COMMUNICATIONS with the French Government
respecting Poland.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

PAPERS

RELATIVE TO THE

ARREST OF THE REV. F. ANDERSON.

Presented to the House of Commons by Command of Her Majesty.
1864.

LONDON:
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33617

LIST OF PAPERS.

No.	Page
1. Lord Napier to Earl Russell	September 13, 1863 1
2. Lord Napier to Earl Russell	September 16, — 1
One Inclosure.	
3. Lord Napier to Earl Russell	September 30, — 3
One Inclosure.	
4. Earl Russell to Lord Napier	October 8, — 4
5. Lord Napier to Earl Russell	October 14, — 4
6. The Rev. F. Anderson to Earl Russell	October 15, — 5
7. Earl Russell to Lord Napier	November 4, — 8
8. Mr. Hammond to the Rev. F. Anderson	November 4, — 8

1088

Papers relative to the Arrest of the Rev. F. Anderson.

No. 1.

Lord Napier to Earl Russell.—(Received September 19.)

My Lord,

St. Petersburg, September 13, 1863.

I RECEIVED a letter yesterday from an English gentleman, the Rev. Mr. Clark, from Grodno, stating that a young Englishman of the name of Anderson, son of the English clergyman at Bonn, had been arrested at Grodno, and was confined there without being allowed to communicate with his friends.

I at once addressed the Minister of the Interior on the subject, who has informed me that Mr. Anderson has been set at liberty under an engagement that he will not leave Grodno until the investigation to which his conduct is being subjected has been brought to a close.

He is accused by the deposition of two insurgents who have come in of having abetted one of the proprietors of the country in importing arms and funds for the use of the revolt.

I have, &c.
(Signed) NAPIER.

No. 2.

Lord Napier to Earl Russell.—(Received September 21.)

My Lord,

St. Petersburg, September 16, 1863.

I RECEIVED the inclosed letter this morning from Mr. Anderson, the British subject recently arrested at Grodno, as reported to your Lordship in my despatch of the 13th instant.

It appears in the highest degree improbable that an English gentleman in holy orders, and engaged in the profession of teaching, should have taken any part in revolutionary proceedings, and I trust that the Russian authorities will speedily recognize the error into which they have fallen, and restore Mr. Anderson to perfect liberty. Mr. Anderson acknowledges that the Russian authorities, after some rigorous measures at the moment of his arrest, have treated him with courtesy. It appears, however, that there are two insurgents who have made a deposition to the prejudice of Mr. Anderson.

As the accompanying letter is a natural and unstudied narration of what has occurred, I thought it would have a good effect in favour of Mr. Anderson if communicated to the Russian Government; I therefore hastened to place a translation of it in the hands of M. Moukhanow, begging his Excellency at the same time to accelerate the conclusion of the inquiry as much as possible.

In regard to the two insurgents who have given evidence against Mr. Anderson, I requested the Assistant Minister to impress upon the local authorities the untrustworthy nature of such testimony. I reminded his Excellency that General Mouravieff in a recent proclamation had made the denunciation of accomplices one of the conditions under which parties desiring to return to their allegiance should be admitted to the Imperial clemency, and I stated that, although all depositions made under these circumstances might not be untrustworthy, this regulation tended certainly to provoke false depositions, and to invalidate the value of statements made by parties in that position. I also recalled to the

Minister that the Russian Government incessantly asserted that the reports and assertions of the insurgents were tinctured with falsehood, and that there was no reason to believe that these two rebels who appeared against my countryman were any more veracious than others; indeed, I said that it was not absolutely impossible that some of the Polish insurgents might find an interest in involving a British subject in order to produce a controversy between Her Majesty's Government and that of Russia.

M. Moukhanow replied that he would not lose sight of my remarks, and that he would attend to the case without delay.

I have, &c.
(Signed) NAPIER.

Inclosure in No. 2.

The Rev. F. Anderson to Lord Napier.

My Lord,

Hotel Romer, Grodno, September 13, 1863.

YOUR Lordship's kind telegram I received this afternoon. Your Lordship will ere this have received a letter from me, written in prison on Wednesday, and which the Governor has forwarded.

I left Bonn on the Rhine (where my father the Rev. James Anderson, late of Brighton, is Chaplain) on the 26th of February with a Polish gentleman, the Count Bisping-Galen, and arrived here on the 4th of March. I had taught my friend English in Bonn for three months, and at his invitation I came to finish those studies. I have travelled with him a great deal from one property to another, and we have never met with the slightest inconvenience until Monday last, the 7th instant, when we were leaving Grodno for Wiercielszki (a property of my friend's, about six English miles distant). The carriage was stopped at the barrier, and we with our luggage were conducted upstairs. I was commanded to undress; this I at first declined doing, on the ground that I was an English subject travelling with an English passport duly *viséd* at Berlin, also with a Russian passport which I received on my arrival here; but finding that resistance might make matters worse, and was utterly useless, I complied in every way with their demands. A strict revision took place, conducted by the officials with the greatest civility. All my private papers, letters, and books were seized, and I was told that I was under arrest, and conducted to the prison, ignorant of the charge against me; then after another strict revision of myself and luggage, I was conducted to a cell, where I was locked up and left to my own reflections. I never passed such a miserable night in my life, and I hope I never shall again.

On Tuesday I was taken before a Committee of Officers of the Guards, and was then told that I was accused of supplying money, cannons, revolvers, cloth, &c., &c., to a band of insurgents, which band I had visited three or four times. I denied the charge *in toto*, and after three hours' examination was sent back to my cell, where I passed the rest of the day.

On Wednesday I was against brought before the Committee, and wrote three letters—one to your Lordship, one to the Consul at Warsaw, and one to my father, which letters the Governor told me on Saturday he had sent. I asked permission to walk in the open air for some time, which request was granted, and then I returned to my cell.

Thursday, early in the morning, the Governor of the prison came and by signs made me to understand, that I should go out that day; and at 1 o'clock I was called again, the money that was due to me from the Count was given to me; and I was told that I was to go and lodge with the Head of the Police, who soon after came, and with him I went, first of all to the Governor of Grodno, who told me that there were three Englishmen in the town. I asked immediately, Under arrest or free? but he was not at liberty to tell me then, he said. I after went home with the Head of the Police; he gave me dinner, soon after which I retired to my room where I stayed the rest of the day; at night I had a guard of three soldiers stationed outside the door.

On Friday about 11 in the forenoon I saw the Head of the Police coming to his house with three gentlemen, who soon turned out to be the three Englishmen, so you may imagine my delight when I heard from English lips that I was at liberty to go with them and live where I like, but must give my word not to leave the town without the Russian permission. I signed a paper to that effect, which they then witnessed, and I went with them away. The names of the three gentlemen are Messrs. Clarke, Ballock, and Birkbeck, all known personally to the Consul, but all strangers to me. They have fully sustained their character as Englishmen. No men could have acted more promptly or prudently. No men could have taken more trouble than they did for me, and by their representations I

have no doubt I was liberated on parole. They left for Wilna the same evening, but I was in hopes to see them on their return to Warsaw.

On Saturday I went again before the Committee, and then two young men were produced, one of whom said that he had seen me with my friend three or four times in the band of insurgents where he was, bringing with us, money, cannons, revolvers, swords and cloth, and that once I brought two men, and that I spoke Polish well, and understood all I heard in Polish. The other said that he had only seen me once, and that then I brought one gun, and that I spoke French, and that I brought money to the band.

Both these denunciations are utterly and entirely untrue. I have never been near any band of insurgents. I have never supplied them with any of the aforesaid articles, neither have I mixed myself at all in their affairs, neither do I speak Polish, neither do I understand it.

At my last examination there was an officer (late of the Marines), but now in the Guards, who speaks English fairly well, and by his very kind assistance I got on better, as before I had to speak French, and I speak both French and German indifferently.

This is how the case at present stands ; I know not how it will end.

There was a German servant, a Prussian subject, with us when we were arrested ; he has remained in prison until this morning, when he also was released on parole, and is now with me. I went last night to the Governor and told him of the poor German's case and innocency ; and so willing was the Governor, when he heard that he was a foreigner, to help him, that an officer went to him at midnight to tell him he might go out then if he liked, but he preferred staying till the morning, as he was in bed. My friend is still there.

I thank your Lordship most sincerely for having so promptly taken up my affair, and I rest assured that your Lordship will do all in your power to help me in my difficulties.

The three Englishmen immediately put themselves into communication with your Lordship, also with the Consul, from whom I have received two telegraphs, the last telling me that he could not help me out of the Kingdom of Poland, but that he had telegraphed to your Lordship.

I am excessively sorry that this difficulty has arisen, but it is through no fault of mine, as I have tried to live as peaceably and quietly as I could. I was on the point of leaving Grodno last week ; Thursday I had fixed to begin my journey, and was arrested on my way to fetch my luggage, intending to return the next day to Grodno.

I have told you in my first letter that I am a clergyman of the Church of England. My letters of orders have been seized with the rest of my private papers. I must add that I have throughout received great civility from the officials, and the greatest possible kindness from the Baron Hoven (or some name like that), with whom your Lordship may be acquainted.

I am, &c.

(Signed)

F. L. M. ANDERSON, B.A.,

Worcester College, Oxford.

No. 3.

Lord Napier to Earl Russell.—(Received October 5.)

My Lord,

St. Petersburg, September 30, 1863.

I AM directed by your Lordship's telegraphic despatch of the 26th instant to request that Mr. Anderson may be permitted to leave Russia on the understanding that he will not revisit it.

On the following day I received from the Assistant Minister for Foreign Affairs the accompanying note, informing me that the inquiry concerning Mr. Anderson was concluded, that the question had been referred to the decision of General Mouravieff, and that it might be presumed Mr. Anderson would shortly receive permission to go abroad.

Under these circumstances, as there seems to be every chance that Mr. Anderson will be set at liberty unconditionally, I have thought it best to suspend for a day or two the execution of your Lordship's instruction, but should any ulterior difficulty occur, I will offer the engagement sanctioned by your Lordship.

I have been in constant communication with the Minister of the Interior on the subject, and in correspondence with Mr. Anderson, of whose innocence I entertain not the least doubt.

I have also endeavoured indirectly to be of some service to Count Bisping,

the Polish gentleman with whom Mr. Anderson has been residing, by imparting to the Russian authorities some particulars respecting his opinions and conduct which have reached me from Mr. Anderson.

I have, &c.
(Signed) NAPIER.

Inclosure in No. 3.

M. Moukhanow to Lord Napier.

St. Pétersbourg, le 1^{er}/₂ 8 Septembre, 1863.

A LA suite d'une communication du Ministère de l'Intérieur, le Soussigné, adjoint du Ministère des Affaires Etrangères, s'empresse d'informer son Excellence Lord Napier, Ambassadeur Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, que l'instruction de l'affaire concernant M. Anderson, sujet Britannique, vient d'être terminée et le résultat en a été soumis à l'appréciation de M. le Gouverneur-Général de Vilno.

Il est à présumer que M. Anderson ne tardera pas à recevoir sous peu l'autorité de se rendre à l'étranger.

Le Soussigné, &c.

(Signé) MOUKHANOW.

No. 4.

Earl Russell to Lord Napier.

My Lord,

Foreign Office, October 8, 1863.

I HAVE to instruct you to convey to the Russian Government the thanks of Her Majesty's Government for the liberation of Mr. Anderson, as reported in your telegram of the 2nd instant.

I am, &c.
(Signed) RUSSELL.

No. 5.

Lord Napier to Earl Russell.—(Received October 19.)

My Lord,

St. Petersburg, October 14, 1863.

IN conformity with your Lordship's orders I have conveyed to Prince Gortchakoff the thanks of Her Majesty's Government for the liberation of Mr. Anderson, the English gentleman lately arrested at Grodno.

In announcing his liberation to me, Mr. Anderson intimated that he might probably prefer a claim for pecuniary compensation against the Russian Government on account of the false imprisonment and groundless detention to which he has been subjected.

I have written to Mr. Anderson to-day, stating that I cannot advise such a course. Mr. Anderson was residing in a disturbed country. As a foreigner he was not unnaturally an object of some suspicion. A deposition, undoubtedly a false one, was made against him. He was arrested, and at the outset treated with some severity, but he was soon set free, and though subject to local detention longer than may seem consistent with necessity or justice, he was treated with civility, and even met with a friendly counsellor among the Russian officers. The inconvenience to which Mr. Anderson was exposed may be regarded as an accident not unnatural at a period of political revolution under a military Government. He may, I think, accept and excuse it as one of the contingencies of the position which he had chosen.

The conduct of the Russian authorities, however, in extorting from him a declaration that he will never return to the Empire appears to me very superfluous and puerile.

I have, &c.
(Signed) NAPIER.

The Rev. F. Anderson to Earl Russell.—(Received October 19.)

My Lord,

96, Coblenzer Strasse, Bonn-on-the-Rhine, October 15, 1863.

I BEG leave to submit to your Lordship the following account of the unjust treatment which I have lately experienced at the hands of the Russian Government in Grodno:—

I arrived at that place on the 4th of March last from Bonn, where I had been staying with my father, who is the English Chaplain.

During my residence in Bonn I had formed an intimate acquaintance and friendship with Count Alexander von Bisping-Galen, a student of high character in the university. I had instructed him in English, and having received from him an invitation to pay him a visit in his own country, accompanied him when he returned to take possession of his extensive estates in Lithuania.

I beg to assure your Lordship in the strongest terms that during the whole of my six months' residence with Count Bisping, I carefully refrained from mixing myself up in any way with the proceedings of the insurgents, and, to the best of my knowledge, he also kept aloof from them. So careful indeed was he not to compromise himself in this matter, that upon our arrival at Königsberg, finding there would be a difficulty in taking to his home a pair of guns and a pair of pistols which he had bought last year, he begged me to send them at once all back to Bonn, with a request that my father would take charge of them. I did this, and my father has still the unopened packages in his possession.

The Count appeared to me influenced by no other wish than that of improving the condition of the tenants and labourers of the soil of which he was proprietor. He had to suffer, in common with all landowners in Lithuania, the many annoyances and hardships which were the necessary consequences of the miserable state of the country; being robbed on the one hand by the insurgents of his horses and provisions, and on the other hand compelled to furnish free quarters for Russian troops as long as they chose to remain. But these difficulties never seemed to slacken his zeal for the welfare of his people.

I had arranged to return to Bonn in the beginning of September, and on the 7th of that month (Monday), about 3 P.M., was proceeding with Count Bisping and his servants to visit one of his farms about six English miles from Grodno. At the barriers of the town the carriage was stopped as usual, and the Count went up stairs to show the passports. A policeman then came to me, and ordered me to go up stairs with all the luggage, which was strictly searched. The police officer then ordered my friend and his servant to undress and submit their persons to be examined, which order they obeyed. He next turned to me, and told me in French to do the same. I said, "I am an English subject travelling under the protection of an English as well as of a Russian passport, and that the English were not in the habit of being undressed in that manner." I expressed my readiness, however, to go to the Governor, and answer any questions which he might choose to ask. Upon this the Chef de Police and the Chef Militaire, and a party of Cossacks, were sent for. The Chef de Police, upon his arrival, said to me in broken English, "You must undress." I replied, "I do so under protest;" showing him at the same time my passport, which I had obtained from the English Foreign Office when I came to visit my father on a former occasion. It is dated October 17th, 1860, and bears your Lordship's seal and signature. It had been duly viséd also at Berlin by the British and Russian Embassies when I passed through Berlin. He took the passport from me, crumpled it up, and thrust it into his pocket, saying in a contemptuous and half-jocular tone in French, "You have it no longer." I made no remark, but could not help thinking that your Lordship would have felt very indignant had your Lordship witnessed the insolent manner in which the ensigns of your authority were set at naught. The soldiers then proceeded to undress me, stripping me to my shirt, and taking off my boots.

My journal and other manuscripts, with a few letters, were found among my luggage. The officers sealed them all up, and told me I was to remain under arrest until they were examined. I demanded three or four times the reason of my arrest, but could obtain no answer whatsoever. We were then driven to the prison, under escort of four soldiers. On our arrival there we had to go up into a room, where the Commander of the prison received us. He spoke to me at first in a most savage and threatening tone, but being informed by Count Bisping that I was an Englishman, and did not understand the Russian language, he changed his manner. After another strict search of the luggage and my person, I was ordered to go to my cell. A Cossack carried my portmanteau, and I had to follow. My cell was of a tolerable size, but filthy; the window was boarded up, so that there was scarce any light or air. It contained also a nuisance, which, on my entrance,

nearly knocked me down by its stench. I signed to the Cossack to remove it, but he only laughed and shook his head. I tried to have it removed three or four times that evening, but no attention was paid to me, and in the morning I obtained leave to carry it down, and throw it out of the window in the passage. The stench was so offensive that it caused me actually to vomit.

On Tuesday morning (the 8th September) at 11 o'clock, I was summoned to a room in the prison, before a Court composed of officers of the regiment of Guards stationed in Grodno, and having asked them the cause of my arrest, I was told that a charge had been laid against me of supplying cannons, pistols, revolvers, guns, swords, cloth, and money to a band of insurgents, whom I had visited three or four times in the forest. I denied the charge *in toto*. After a time the President of the Court told me that he had heard that I spoke Polish as well as a Pole. I could hardly forbear smiling when I denied this absurd charge, since my inability to pronounce a word of the Polish language, and my unwillingness to learn it, had been notorious to all who were acquainted with me. A Jew professed to act as interpreter, but he could not speak two words of correct English, and I had to translate all I said to him into bad German, and to the officers into bad French, for in neither language am I a great proficient. The Jew in looking over my letters found a passage in one of them, in which the term "unfortunate" was applied to Poland. The officer demanded "what right the writer had to make use of that term?" Another correspondent had used the following expressions, as nothing had been heard of me by them for some time. They said, "We were nearly thinking that you had been killed by the Russians." When this passage was translated by the Jew to the Russian officers it produced great excitement among them, and one of them came to the table where I was placed, and said to me in a bullying tone in French, "See, Sir, how your friends in England regard us as barbarians." Happily the next passage in the same letter alluded to the satisfaction of the writer that I was passing a pleasant visit with the Count, and upon my translating this into French they appeared somewhat pacified. I had my letters of orders with me, which showed that I was a clergyman of the Church of England and a Graduate of Oxford. I submitted them to the officers of the Court, but the officers made no remark. I also requested permission to write to the English Ambassador at St. Petersburg, to the English Consul at Warsaw, and to my father at Bourn, but my request was distinctly and peremptorily refused. I then was sent back to my cell, after having been under examination for three hours. It will be readily understood with what feelings of deep anxiety, and even of apprehension, I passed the following night in my cell; for looking to the determination of my (so-called) Judges to wrest to my prejudice every trivial expression in the letters of my correspondents, to their eagerness to receive any charges against me, however absurd, and, lastly, to their refusal to allow me any means of communication with those persons who could alone help me, what could I expect but months, perhaps years, of hopeless imprisonment or exile, if not a violent death?

Early on Wednesday morning, the 9th, I was again summoned to attend the same Court of officers, and was immediately struck by the great apparent change in their treatment of me. I was told, for instance, that I might write the letters which had been prohibited the day before, but it was still said that the Governor might possibly not allow them to be forwarded. I sat down and wrote the three letters in their presence, and gave them (according to their orders), unsealed, to one of the officers. I have since found that in my hurry and excitement I dated the letter to my father the 10th instead of the 9th. These letters, I learnt afterwards, were first sent to Mouravieff at Wilna, and by him forwarded to Lord Napier. This may account for the great delay which followed, for my letter to Lord Napier did not reach his Lordship till eight days after I wrote it, and the one to my father came to hand twelve days after date.

But the permission to write these letters at all I believe was mainly owing to the arrival of three English travellers in Grodno on the evening of the 8th,—Messrs. William George Clark, William Lloyd Birkbeck, and William Henry Bullock. I never can be sufficiently grateful to these gentlemen for their active exertions on my behalf. I had never seen or known any of them before; but the most intimate and zealous friend could not have done greater service to me than they did. I first heard of their arrival on Thursday, the 10th, when I had been brought from the prison to the Governor's house, when I was examined by him in the presence of the Chef de Police. At the end of this examination I was removed to the house of the Chef de Police, which certainly was preferable to the prison. But at 8 o'clock that evening he came into the room which I was to occupy for the night, with three soldiers with fixed bayonets, who mounted guard at my door. All egress into the streets was forbidden, and even when I went into the yard to relieve the necessities of nature one of the soldiers marched before me and the other behind, and remained as sentinels over me until I returned to my room.

On Friday morning the Chef de Police brought to his house the three Englishmen, of whose arrival he apprized me; and on my signing a paper, witnessed by them, promising not to leave the town without the permission of the Russian Government, I was released from any further restraint.

The English Ambassador, Lord Napier, was first informed of my arrest by Mr. Clark, and from that moment manifested the utmost interest in my behalf; and but for his Lordship's representation to the Russian Government, I believe that the inquiries carried on by the officers at Grodno would have been much more protracted. As it was, three weeks elapsed before their inquiries terminated. Lord Napier communicated also most kindly with my father, both by telegraph and post, and thereby greatly relieved his anxiety. The English Consul, Colonel Stanton, at Warsaw, proved likewise his willingness to assist me, but as his authority did not extend beyond the limits of the Kingdom of Poland he could do nothing more than make known (by telegraph) my position to Lord Napier. I gratefully acknowledge also the help which I received from a Russian officer, Baron de Howen (late of the Navy, now Lieutenant of the Guard), who, seeing the utter incompetency of the Jewish interpreter, came forward on two occasions on my behalf in subsequent examinations. He was thoroughly convinced of the falseness of the charges brought against me, and did his utmost to bring the officers of the Court to the same conclusion. Upon one occasion I was confronted with the two boys who had made the charge, one of whom affirmed that he had heard me speaking Polish to the officers of the insurgents in the forest; and when that was proved to him to be an impossibility by Baron de Howen, he immediately shifted his ground, and said that I might have spoken French, for that he was not near enough to hear what I actually said. Such conduct, it might have been thought, was a sufficient proof of the worthless character of these boys as witnesses. Nevertheless I had to attend at the Governor's house several times afterwards; and it was not until Monday, the 28th of September, that the Governor told me that I was allowed to leave the Russian dominions, on condition that I would sign a paper promising never to enter them again. I was very unwilling to do this, as it seemed to me that to sign a paper to that effect implied that I had been guilty of some violation of the law which justified my expulsion from the country. But there was no other way by which I could regain my entire freedom; and yielding, therefore, under the necessity of the case, I signed the paper. On the 29th I left Grodno, accompanied by a gendarme, who delivered to me my passport at the frontier of Russia. The Governor had told me the day before that I should only have to pay my own expenses. Nevertheless I found myself obliged to pay for the journey likewise of this gendarme.

Your Lordship will see from the detail here given that I have not without cause trespassed upon your Lordship's attention.

I do not, indeed, complain of the mere fact of my detention, for such an act was a contingency perhaps inseparable from the state of conflict prevailing in the unfortunate country in which I was a temporary resident.

But I do protest against the indignities which I was made to suffer; against the refusal of the privileges (which certainly were secured to me under your Lordship's passport) of making known immediately to the English Ambassador at St. Petersburg the position in which I was placed; and against the loss of time and money to which I was subjected in consequence of this refusal.

I protest also against the prohibition now in force against me ever to re-visit the Russian territory. I am not aware, indeed, that any calls of duty are likely to summon me to that country; and certainly I have no inclination voluntarily to revisit it. Nevertheless, I ought not to be placed under the ban of perpetual exclusion from it; and I feel that I am justified in demanding that the paper which declares it be returned to me.

Lastly, I protest against the charge of being compelled to pay—it matters not how paltry the amount—the expenses of the gendarme who was sent to accompany me to the Russian frontier.

I will only add that, upon obtaining my own release from imprisonment, I succeeded in obtaining from the Governor of Grodno the release of Count Bisping's German servant, assuring him that the man was a Prussian subject, that there was no charge whatever against him, and that he had nevertheless remained a prisoner for six days. Of all these facts the Governor professed to be ignorant; and on his ascertaining the truth of my statements, the man was released. From this German servant I have since heard that, on the 3rd instant, Count Bisping himself was released from imprisonment, though still required to remain in Grodno. Considering the temper of the Russian authorities at this moment, I cannot but regard the fact of the Count's release as the most triumphant proof of the falsehood of the charges attempted to be urged against us.

I earnestly hope that I may soon receive from your Lordship the assurance that I am

justified in having submitted this matter to your notice, and that the wrongful treatment which I have experienced may not be unnoticed and unremedied.

I have, &c.
(Signed) F. L. M. ANDERSON.

No. 7.

Earl Russell to Lord Napier.

My Lord,

Foreign Office, November 4, 1863.

WITH reference to your despatch of the 14th ultimo, on the subject of the detention of Mr. Anderson at Grodno, and the proceedings of the Russian authorities towards him, I have to inform your Excellency that Her Majesty's Government concur in the opinion expressed by you, that this not a case in which compensation can be demanded. Your Excellency will not therefore take any further steps in the matter.

I am, &c.
(Signed) RUSSELL.

No. 8.

Mr. Hammond to the Rev. F. Anderson.

Sir,

Foreign Office, November 4, 1863.

I AM directed by Earl Russell to acknowledge the receipt of your letter of the 15th ultimo, giving an account of your detention by the Russian authorities at Grodno, in March last, and protesting against the treatment which you underwent on that occasion.

I am to state to you in reply, that your case does not appear to Her Majesty's Government to be one in which they would be justified in making an application for redress to the Russian Government.

You chose to visit Poland in company with a Polish landed proprietor, at a time when you were aware that civil war was raging, and that the country was under military law. As soon as the Russian authorities were satisfied that the accusations against you, and which led to your being arrested and imprisoned, were false, you were released and kindly treated; and it cannot be maintained that the Russian authorities had not a right to insist on your promising not to return to Russia.

I am, &c.
(Signed) E. HAMMOND.

LIST OF PAPERS

No.		Page.
1.	Mr. Barton to Earl Russell May 29, 1862	1
2.	Mr. Barton to Earl Russell June 11, —	1
3.	Mr. Barton to Earl Russell October 11, —	1
	Two Inclosures.	
4.	Earl Russell to Mr. Jerningham November 26, —	3
5.	Mr. Jerningham to Earl Russell November 27, —	3
6.	Mr. Barton to Earl Russell October 23, —	3
	One Inclosure.	
7.	Mr. Jerningham to Earl Russell January 28, 1863	4
	Five Inclosures.	
8.	Mr. Jerningham to Earl Russell January 28, —	10
9.	Mr. Jerningham to Earl Russell February 9, —	10
	One Inclosure.	
10.	Mr. Jerningham to Earl Russell February 12, —	13
11.	Consul Miller to Earl Russell November 29, 1862	14
12.	Mr. Jerningham to Earl Russell February 26, 1863	16
	Three Inclosures.	
13.	Mr. Jerningham to Earl Russell March 12, —	19
	Four Inclosures.	
14.	Mr. Jerningham to Earl Russell April 12, —	23
	One Inclosure.	
15.	Mr. Jerningham to Earl Russell April 23, —	24
	Five Inclosures.	
16.	Mr. Jerningham to Earl Russell April 28, —	26
	Two Inclosures.	
17.	Mr. Jerningham to Earl Russell May 12, —	28
	Two Inclosures.	
18.	Mr. Jerningham to Earl Russell May 29, —	30
	Three Inclosures.	
19.	Mr. Jerningham to Earl Russell June 12, —	33
	Three Inclosures.	
20.	Mr. Jerningham to Earl Russell July 12, —	35
	One Inclosure.	
21.	Earl Russell to Mr. Jerningham March 18, 1864	35

Correspondence respecting Removal of Inhabitants of Polynesian Islands to Peru.

No. 1.

Mr. Barton to Earl Russell.—(Received June 28.)

My Lord, *Lima, May 29, 1862.*

I HAVE just been informed that Mr. Byrne has formed a Company here with the object of introducing into Peru colonists from the New Hebrides for the purpose of agriculture, under the privilege granted him by the Peruvian Government, and that he has chartered a vessel which is now victualling, and in which will be also embarked some trifles, such as beads and other articles, for the carrying out of the enterprise.

I intend writing Mr. Byrne a note requesting information, and will furnish your Lordship with all the particulars I can collect on this subject by the next mail.

I have, &c.

(Signed) JOHN BARTON.

No. 2.

Mr. Barton to Earl Russell.—(Received July 14.)

My Lord, *Lima, June 11, 1862.*

IN continuation of the subject of the despatch which I had the honour to address to your Lordship on the 29th of May last, I have now the honour to acquaint your Lordship that I find that Mr. J. C. Byrne became a French citizen in 1857, since which time he has introduced into the French Settlement of New Caledonia upwards of 3,000 colonists taken from the New Hebrides.

The vessel he is now fitting out is a Peruvian vessel called the "Adelante," of about 300 tons; she will sail from Callao on Saturday next, and Mr. Byrne takes with him a surgeon and commissioner on the part of the Peruvian Government; it is his intention to bring about 170 colonists of both sexes, who are to engage to serve in Peru for the term of five years, at the end of which term they are to be sent back to their own country if they wish it, at the expense of the purchaser of their contract, which is printed in Spanish, English, and the Polynesian languages, and which is of course transferable.

The privilege granted by the Peruvian Government to Mr. Byrne is for the term of five years.

Mr. Byrne has informed me that after he has made this trial trip he intends introducing as many colonists into Peru as he finds are requisite.

I have, &c.

(Signed) JOHN BARTON.

No. 3.

Mr. Barton to Earl Russell.—(Received November 14.)

My Lord, *Lima, October 11, 1862.*

IN continuation of the subject of the despatches which I had the honour to address to your Lordship on the 29th of May and on the 11th of June last, I have now the honour to acquaint your Lordship that the Peruvian vessel "Adelante" has returned to the Port of Callao, from the Island of Tangariba, bringing 83 men, 83 women, 30 boys, and 38 children; the vessel is only 151 tons register, not 300 as reported to me by Mr. Byrne. Only one died on the passage—a very old woman.

The contracts, said to be written in Spanish and Polynesian, of these colonists, have been sold at 200 dollars each the men, 150 dollars each the women, and 100 dollars each the boys; care has been taken not to part the families.

No less than seven vessels have been fitted out, and three more are getting ready by licences granted by the Peruvian Government, for the purpose of bringing to Peru more of these people; their names, tonnage, flags, &c., are contained in the accompanying list.

The Chargé d'Affaires of the King of Hawaii has made a remonstrance to the Peruvian Government on this subject, copy of which I have the honour to inclose herewith, and the French Chargé d'Affaires intends to make a like representation.

Mr. Byrne died on board the "Adelante" about fifteen days previous to the arrival of that vessel at Callao: his effects have been deposited under inventory at Her Majesty's Consulate in that port, and advice given to his brother, Mr. Mark Byrne, residing at 24, Arran Quay, Dublin.

I have, &c.
(Signed) JOHN BARTON.

Inclosure 1 in No. 3.

LIST OF VESSELS FITTED OUT TO IMPORT COLONISTS INTO PERU.

Name of Vessel.	Tonnage.	Flag.	Crew.	Date of Departure.
Jorge Zahara	171	Peruvian	17	1862, September 22
Manuelita Costas	132	"	9	" " 23
Serpiente Maria	198	"	15	" " 26
Truxillo	197	"	9	" " 28
Apurimac	189	"	8	" " 28
Eliza Mason	183	Chilian	11	" October 2
Bella Margarita	286	"	13	" " 4

Inclosure 2 in No. 3.

Mr. Eldridge to Señor Ribeyro.

Lima, October 9, 1862.

THE Undersigned, Chargé d'Affaires and Consul-General of His Majesty the King of Hawaii, has been informed with some surprise that the Government of Peru has conceded indiscriminately to all applicants, licences to introduce into Peru the natives of the Polynesian Islands for personal services for several years.

His Majesty the King of Hawaii, besides the large and important group of islands from which he derives his title, possesses other islands in the Pacific Ocean, of the occupation of some of which I had the honour to advise his Excellency the Minister of Foreign Relations in my communication of 30th December, 1858.

It is not improbable that while this traffic, entrusted to one or two individuals well acquainted with its peculiarities, having a perfect knowledge of the islands that enjoy their independence, and those which recognize the sovereignty of a civilized power, might have been conducted in a manner that would not have given cause of complaint, but confided to an indiscriminate multitude, ignorant of these particulars, it will, beyond doubt, lead to serious reclamations.

From none of the islands under the jurisdiction of His Majesty the King of Hawaii are the native inhabitants permitted to be removed, except for a very limited term, and under heavy bonds to be returned to their place of residence at the expiration of that term; the undersigned, therefore, is constrained to protest against the introduction into Peru of any of His Majesty's native subjects; and if any should be brought to its ports under the licences so profusely granted, it will be his duty to require that the Government of Peru cause them to be returned to their native land free of expense, and compensate them adequately for any damages that they may have suffered.

I have, &c.
(Signed) THOS. R. ELDREDGE.

No. 4.

Earl Russell to Mr. Jerningham.

Sir,

Foreign Office, November 26, 1862.

IN his despatch of May 29, Mr. Barton has reported to me that under a privilege granted by the Peruvian Government, Mr. Byrne has formed a Company at Lima for the purpose of introducing into Peru colonists from the New Hebrides.

From Mr. Barton's despatch of the 11th ultimo, it also appears that no less than seven vessels have been fitted out, and three more were getting ready, under licences granted by the Peruvian Government, for the purpose of conveying these colonists to Peru.

Mr. Barton also states that the Chargé d'Affaires of Haiti has formally protested against these proceedings, and that the French Chargé d'Affaires intended to make a similar representation.

You will carefully watch the proceedings taken under the privilege granted by the Peruvian Government in this matter. Her Majesty's Government have already had occasion to call the attention of the Peruvian Government to the evils which have sprung up in connection with the efforts made for the introduction of coolies from China; and it is not improbable that the system to which I have now called your attention may degenerate into the slave trade in disguise.

You will forward to me a copy of the contract under which the colonists are introduced, and you will report to me what arrangements are made to insure their immunity from ill-treatment whilst on ship-board, as well as subsequent to their arrival in Peru.

I am, &c.

(Signed) RUSSELL.

No. 5.

Mr. Jerningham to Earl Russell.—(Received November 29.)

My Lord,

London, November 27, 1862.

I HAVE the honour to state that your Lordship's despatch of 26th November reached me this evening, in which my attention is called to a report mentioned in Mr. Barton's despatch of May 29 to your Lordship, respecting a privilege said to have been conceded by the Peruvian Government to a Mr. Byrne, who had formed a Company at Lima for the purpose of introducing into Peru colonists from the New Hebrides.

Since your Lordship instructs me carefully to watch the proceedings taken under the privilege granted by the Peruvian Government in this affair, it being not improbable that the system, to which my notice has been called, may degenerate into slave trade in disguise, I beg to say that, upon my arrival in Peru, I will give this matter my earliest attention.

A copy of the contract, as soon as procured, shall be forwarded to your Lordship; and I shall report what are the arrangements made to ensure immunity from ill-treatment whilst on board and subsequent to arrival with regard to these colonists.

I have, &c.

(Signed) WM. STAFFORD JERNINGHAM.

No. 6.

Mr. Barton to Earl Russell.—(Received November 28.)

My Lord,

Lima, October 23, 1862.

IN continuation of the subject of my despatch of the 11th instant, I have now the honour to transmit to your Lordship copy of the note which the French Chargé d'Affaires

addressed to the Peruvian Minister for Foreign Affairs, respecting the licences granted indiscriminately by the Peruvian Government to introduce into Peru natives from the Polynesian Islands.

I have, &c.
(Signed) JOHN BARTON.

Inclosure in No. 6.

M. de Lesseps to Señor Ribeyro.

M. le Ministre, *Lima, le 15 Octobre, 1862.*

VOTRE Excellence n'ignore pas qu'en vertu d'une autorisation antérieure donnée par son Gouvernement à un sujet Irlandais, la barque Péruvienne "Adelante" parcourut certains groupes d'Iles de la Polynésie et y recueillit environ 250 naturels. Conduits au Callao sous la clause d'un engagement de cinq années, ces émigrants ne tardèrent pas à être écoulés dans le public, satisfait d'acquérir, aux mêmes conditions que celles stipulées pour les contrats de coolies Chinois, les services d'une race d'hommes plus vigoureuse et plus morale.

C'est sans doute animé par le désir de doter le pays d'une immigration aussi utile que le Gouvernement de votre Excellence a souscrit, assure-t-on, aux nombreuses demandes d'introduction qui lui ont été adressées, dans ces derniers temps, par divers spéculateurs. Dans cette circonstance, et sans m'arrêter aux bruits répandus sur la légalité de l'expédition de "l'Adelante," ni infirmer le rapport de la commission d'enquête qui s'est constituée à bord de ce bâtiment dans le courant du mois de Septembre dernier, il est de mon devoir d'appeler votre attention toute spéciale sur l'abus auquel ces concessions peuvent donner lieu. En effet, M. le Ministre, rien ne garantit que les porteurs aient une connaissance très-exacte de la constitution politique des divers points où s'exercera leur trafic, et qu'ils n'exploiteront pas celles de ces Iles qui, sous une forme ou sous une autre, se trouvent enclavées dans le territoire de l'Empire Français. Votre Excellence trouvera juste que, dans cette éventualité, je proteste contre ces opérations, en tant qu'elles affecteraient la souveraineté de mon pays, et que je me réserve à la fois un droit de contrôle sur tous transports d'émigrants Polynésiens arrivant au Pérou, et des indemnités pour ceux d'entr'eux qui, soumis à la juridiction de l'Empire, n'auraient pas quitté leur patrie de plein gré et du consentement des autorités qui les gouvernent.

J'ai, &c.
(Signé) ED. DE LESSEPS.

No. 7.

Mr. Jerningham to Earl Russell.—(Received March 2.)

My Lord, *Lima, January 28, 1863.*

WITH reference to your Lordship's despatch of 26th November last, received in London prior to my departure from England, instructing me carefully to watch the proceedings taken under the privilege granted by the Peruvian Government to certain parties for importing Polynesian colonists to Peru, I beg to state that since my return I have given the subject my attention.

Soon after my arrival, when visiting Admiral Sir Thomas Maitland on Her Britannic Majesty's ship "Bacchante," I conversed with him about these new emigration enterprizes, and found him alive to the matter; however, Sir Thomas seemed to think that there was difficulty in obtaining here positive information as to whether the Pacific Islanders that were being imported into Peru, were procured by force or came of their own free will, and said that the best way for ascertaining this, would be the visit of one of Her Majesty's ships to the Polynesian Islands, where her commander could have, by making enquiries, proof how the process of obtaining the natives was carried on, and detect and report upon any such abuses as might be practised.

In this opinion of the Admiral I most assuredly concur, and could a vessel be despatched to the islands (Marquesas, Friendly, and New Hebrides groups) to carry out an investigation, it would be the surest and best way of arriving at real trustworthy information.

In speaking with the French Chargé d'Affaires, M. Lesseps, on the subject of this

immigration, I found him inclined to believe that *ruse* is had recourse to in obtaining them; and he even told me that the way in which the affair was managed was when the natives, swimming out probably to the ship for the sake of procuring provisions, as a famine or great scarcity is said to reign in some of these islands, that liquor was administered to them, and that whilst under its influence the vessel put to sea, and thus the natives had no other alternative but to proceed on the voyage. The French Chargé d'Affaires did not mention the grounds he had for making this assertion; but as he has lent much of his attention to these Canaca expeditions since the commencement, he has probably discovered sources from whence good information can be procured.

Her Majesty's Acting Consul at Callao upon being applied to by me, on my return, furnished me with a report, copy of which I beg to inclose, relative to two vessels that had returned to Callao having Polynesians on board; but this does not throw any light upon the exact way in which they were procured. He also incloses sample of a contract, bearing the signatures of natives, and also that of the Captain of the importing vessel, and viséd by the Indian authority of some island.

Mr. Robertson says in his letter that the emigrants appeared in robust health.

M. Laranaga, the consignee, seems to have afforded the Consul every facility for visiting his vessel, and it appears he found on board nothing to object to.

This gentleman above-mentioned and other owners of vessels, may have the wish to carry out their enterprize according to the Rules and Regulations of the Peruvian Government Licences; but then the people they employ may possibly be less scrupulous upon those points. I believe in one of the ships that have gone and returned (belonging to some one in Peru) there was a captain who had formerly been engaged in the African slave trade.

I shall continue to watch proceedings in this matter; but I am convinced that the only real way of arriving at thorough information on the subject is, as I said before, to despatch a vessel of war to make an investigation in Oceania.

I have now the honour to forward to your Lordship several extracts from the "Peruano." 1st. The law permitting the introduction into Peru of Asiatic colonists, the fundamental law upon which the licences for bringing Polynesians are based.

2nd. The Government resolution granting leave to Mr. Byrne to import colonists from the Pacific.

3rd. Note from the Peruvian Government to the Prefect of Callao to take the necessary steps for causing the existing Laws and Resolutions to be carried out with regard to the Polynesians brought from the Pacific.

4th. A Decree of the 20th December, published lately in the "Peruano," ordering that a Committee, composed of the Prefect, the Mayor, and the Recorder of the city of Callao, should proceed to make the investigation which was resolved upon in June, in order to ascertain whether or no the formalities prescribed by law have been fulfilled. This decree is intended to apply to other ports in Peru where the Sub-Prefect and other functionaries will compose the acting Committee.

Lastly, I inclose copy of the form of contract, lent for my inspection by the consignee of immigration vessels, which is made out printed in Spanish and English, but not in Polynesian, as it was reported was to be the case. I send the English version after having compared it with the Spanish, of which it is a right translation.

Should I have anything further to communicate later on respecting Polynesian immigration, I shall take care to do so in obedience to your Lordship's orders.

I have, &c.

(Signed) WM. STAFFORD JERNINGHAM.

P.S.—In the body of this despatch I state that Mr. Robertson had already been on board of M. Laranaga's vessel, but upon reading his letter again I find that M. Laranaga had given him permission to go on board to examine and inquire into matters connected with the Polynesians, and that he would report to me the result of his visit.

W. S. J.

Inclosure 1 in No. 7.

Acting Consul Robertson to Mr. Jerhingham.

Sir,

Callao, January 11, 1863.

I HAVE the honour to report that on the 5th instant, two vessels, under Prussian colours named respectively "The General Prim" and "Truxillo," arrived at this port from the Polynesian Islands with colonists, natives of those islands.

The first-named vessel brought 106 men, 2 boys, and 7 women, all having arrived in apparent robustness and good health, there not having been in either two vessels any death or sickness whatever.

These colonists have been brought to this Republic in virtue of a permission granted by the Supreme Government in the early part of last year.

M. Laranaga, one of the Consignees of the "Truxillo," a gentleman worthy of all faith, has assured me that these colonists have come here of their own free will and accord, in proof of which he has allowed me to take a copy of one of the contracts made by a chief and a missionary on behalf of 40 men, and 12 women, brought from the Island of Rakaan (Redmon), copy of which I inclose. M. Laranaga has also given me permission to proceed on board the "Truxillo," that I may personally examine and inquire into all matters connected with the traffic, the result of which examination I shall do myself the honour to report; the same gentleman has assured me that many of these colonists can write, and that all those who could, have individually their own contracts in their possession.

I should likewise add that I have already seen many of these emigrants, and that they appear in good health, happy, and content.

I have, &c.
(Signed) E. W. ROBERTSON.

Inclosure 2 in No. 7.

Contract.

LOS cuarenta hombres y doce mujeres que van en el "Truxillo" de la Isla de Rakaan se contratan con el capitan de dicho buque previa autoridad del lugar para irse al Peru á trabajar en la agricultura del pays por el termino de ocho años, contados desde su embarque. Los hombres gaudean 5 \$ al mes, y un pantalon, una camisa, y un sombrero. Las mujeres, 2 \$ y un vestido.

Firmamos tres por el tenor, por el Rey y el misionero y el capitan.

Rakaan, Noviembre 15 de 1862.

(Signed) JOSE H. BARAGOITIA, *Capitan.*
ZAIRO CROMETICA.
ZOCAO AIKI.

Nota.—Las firmas son del misionero y el Rey de la Isla.

Inclosure 3 in No. 7.

Extracts from the "Peruano" of March 23, 1861.

Ramon Castilla, President of the Republic.

WHEREAS the Congress has made the following law:—

The Congress of the Peruvian Republic considering

1. That the first branch of industry is agriculture, without which no society can exist.

2. That in consequence of the abolition of slavery, which was effected in the Republic in 1855, landed estates have been abandoned.

3. That the want of a rural ordinance, which shall take charge of determining the proceedings of hired labourers, and regulating the labours on landed estates, renders it necessary to take steps for remedying the present state of things.

4. That if the Congress remain indifferent, and do not repeal the decree of March 5, 1856, articles of consumption, and of the first necessity for existence, will very soon reach a higher price than it is possible to pay out of the employment or calling in which the citizen is engaged;

Has issued the following law:—

Art. 1. It shall be lawful to introduce Asiatic colonists, intended for the cultivation of landed estates on the coasts of Peru, for useful arts, and for domestic service, provided that they be hired directly by the masters who employ them, or by their agents, in the ports from whence they come, or on their entrance to Peru.

Art. 2. The vessels conveying Asiatics, shall not take on board any larger number

of colonists than one per ton of register, under the penalty of a fine of 500 dollars for every one who shall exceed the number.

Art. 3. The bargains made abroad shall take effect in all cases when not in opposition to the laws of the Republic, the transfer of such bargains being prohibited without the consent of the colonist hired.

Art. 4. The Decree of 5th March 1856, relative to the immigration of Asiatic colonists, is repealed, in so far as it is contrary to the present law.

This is to be communicated to the Executive Power in order to the execution of what is necessary for carrying the same into effect.

Dated at the Hall of Assembly in Lima, 15th January, 1861.

MIGUEL DEL CARPIO,

President of the Senate.

ANTONIO ARENAS,

President of the Chamber of Deputies.

JOSE H. CORNEJO,

Secretary of the Senate.

MANUEL A. ZARRATE,

Secretary of the Chamber of Deputies.

To His Excellency the President of the Republic.

Lima, January 24, 1861.

Let it be returned with the observations determined on.

(Countersign of his Excellency.)

MORALES.

Excellency,

Lima, March 11, 1861.

THE Congress has proceeded to reconsider, with a view to your Excellency's observations, the law on Asiatic immigration, which was sanctioned by the last Legislature, and forwarded to the Executive Power on the 15th January last; and having persisted in the same, we have the honour to return it to your Excellency for its promulgation and execution.

God preserve, &c.

MIGUEL DEL CARPIO,

President of the Senate.

ANTONIO ARENAS,

President of the Chamber of Deputies.

JOSE H. CORNEJO,

Senator Secretary.

EVARISTO GOMEZ SANCHEZ,

Deputy Secretary.

To His Excellency the President of the Republic.

Wherefore I command that it be printed, published, and circulated, and that it be duly carried into effect.

Dated at the House of the Supreme Government in Lima, 14th March, 1861.

RAMON CASTILLA.

MANUEL MORALES.

From the "Peruano" of April 12, 1862.

D. J. L. Byrne having requested permission to introduce colonists for the South Western Islands of the Pacific, his Excellency the President has issued the following decree :—

Lima, April 1, 1862.

The permission requested is granted to D. J. L. Byrne to introduce into Peru, during six years and on the terms named, colonists of both sexes, natives of the South Western Islands of the Pacific, intended for the labours of agriculture and for domestic service, subject to the forms prescribed by the law of the 15th January, 1861. Be it published.

(Countersign of his Excellency.)

MORALES.

From the "Peruano" of September 20, 1862.

To the Prefect of the Constitutional Province of Callao.

Lima, September 15, 1862.

On the 17th June I wrote to you as follows:—

"In a document of D. J. C. Byrne upon the introduction of colonists from the South Western Islands of the Pacific, requesting permission to name agents who should be present at the bargains made with the said colonists, his Excellency the President has issued the following resolution:—

"Lima, June 10, 1862.

"Whereas there are no Consular Agents of Peru in the places where contracts are to be made with the colonists, whom D. J. C. Byrne proposes to introduce, be it resolved that the investigation, which is intended to make known to the Government whether or not the forms which are prescribed by Article I of the law of the 14th March last, have been observed, shall be made by the authorities of the harbours of Peru, at which the colonists arrive, without which requisite they shall not be permitted to land.

"I copy the above for your information and for the consequent effects."

"As the Government has been informed that the colonists introduced by Byrne are selling in Callao, in contravention of the provisions of the aforesaid law, and as this offence against the liberty of the individual should be severely punished, it is necessary that, in compliance with the resolution copied above, you do not permit the landing of immigrants until you have inquired whether or not all those conditions have been observed which are imposed by the said law on those who introduce colonists, especially if they have been hired with their own spontaneous wish, by the persons in whose service they are to be employed; that you prohibit absolutely those bargains being transferred to other persons without their consent, and that you order the offenders to be brought to judgment.

"God preserve, &c.,

"MANUEL MORALES."

To the Prefect of the Littoral Province of Callao.

Lima, September 17, 1862.

I transmitted to you, under yesterday's date, suitable instructions for the repression of the scandalous abuse which is practising in your port, of selling the colonists, brought from the islands of the Pacific, as if they were slaves. The Government has this day received fresh advices, in which it is asserted that those under age and even adult persons are publicly sold at 200 or 300 dollars; and as this traffic is an offence against the liberty of the person, and the utmost outrage that can be committed on the dignity of man, the honour of Government, and of the authorities of your port, in whose presence this scandalous crime is committed, demands that energetic and effective measures be set on foot for repressing the same; and that those who are found to be guilty be brought to justice, in order that they may be punished with all the vigour of the law.

You are to take care that the provisions of the law of the 14th May of last year be strictly complied with by the introducers of colonists; and for this effect you must ascertain for yourself if the colonists have made bargains of their own spontaneous will, with particular persons, and in terms which are not in opposition to the laws of the country, and you will absolutely prohibit the transfer of those bargains to other persons without the express consent of the colonists.

Being charged with the observance of the laws and supreme provisions in the province under your command, you are responsible for the strict fulfilment of these directions.

God preserve, &c.

MANUEL MORALES.

Inclosure 4 in No. 7.

Decree.

(Translation.)

Department of Government, Lima, December 20, 1862.

THE orders issued on the 17th June, 15th September, and 16th November last, having proved inefficient to accomplish the object of the law of 14th March of last year, relative to the introduction of labourers from Polinesia, it is hereby resolved :

That a Committee, composed of the Prefect, the Mayor, and the Recorder of the city of Callao, proceed to make the investigation which, by resolve of 10th June last, is ordered to be made to ascertain whether or no the formalities prescribed by the 1st Article of said law have been fulfilled.

This resolve is extended to apply to all the other ports, where the Committee will be composed of the sub-Prefect and above-named functionaries.

Let this be made known and published.

Signed with his Excellency's signet.

(Signed)

ARENAS.

Inclosure 5 in No. 7.

Contract.

No.

Agreement made at _____ this _____
day of _____ 186 _____ between _____ on the one
part and _____ on the other part, a native of _____

LET it be known by this contract that I freely and of my own will declare to have agreed with _____ to embark on the vessel _____
Captain _____ for the purpose of going to that country obliging myself from the moment of my arrival to place myself under the orders of the said _____ for which purpose I will enter his service as a cultivator, gardener, shepherd, a servant, or labourer in general, for the term of _____ years, which will be reckoned from the day I enter his service ; during which period I will plough the fields, clear the lands, take care of cattle, work in the gardens, and finally I will do any other kind of work I may be required, to make myself useful besides with what knowledge of mechanics I may possess.

Be it known that I agree of my own free will that the said _____ years will begin to be reckoned from the day I enter service as already said, and that I understand perfectly that the word month will be taken and is taken as signifying a month of the calendar, and that the word year will be taken and is taken as signifying twelve of these months.

Be it known that during said term of _____ years I will not work for myself nor for any other person, but only for the benefit of or for him to whom he may have transferred this contract, and that I will not absent myself from the house of these persons without a written permit to do so.

Be it known that I am allowed for each of my daily meals one hour, and that the work time will be that which is customary in the place or town I may be sent to.

Be it known finally that I bind myself to observe all and every one of the above clauses not only with his heirs, executors, or agents, but to all those persons to whom the present contract may be transferred, in agreement with a Decree of January 7th 1859 for which purpose I authorize them from this very day, so that after having thus acted they will have no responsibility towards me.

Be it known likewise that I, the undersigned, Agent in _____
for _____ bind myself in his name that as soon as the vessel may arrive that the said _____ will pay him monthly for his labour the sum of _____ giving him besides lodging sufficient and wholesome

food, a physician, if any is to be had in the place, attendance and medicine in his illness, that may not arise from his immoral conduct, and when there are no public hospitals.

Be it known that his passage and maintenance from here to Peru will be on account of as likewise all expenses it may be needful to make on the voyage.

Be it known that three days will be granted in a year, so that this party may fulfil his religious duties.

And in fulfilment of every thing above stated, we declare that previous to making our respective signatures, we have read for the last time closely and attentively, every one of the engagements that mutually have been made, in order that at no time nor under any circumstances, ignorance may be pleaded, or to find room for any claim except in case of non compliance with any one of the above conditions, and declare that we have agreed to all, every one of them.

In witness whereof we sign the present solemn contract

No. 8.

Mr. Jerningham to Earl Russell.—(Received March 2.)

My Lord,

Lima, January 28, 1863.

I FIND by yesterday's paper that vessels continue to arrive at Callao, one after the other, with Polynesians.

On Saturday entered the "Adelante" (second time), proceeding from the Islands of Penrhyn, in 50 days, bringing 202 individuals. Yesterday two other vessels entered the port, one named "Carolina," coming from the Island of Oroa in 28 days, bringing 122 colonists; the other the "Hermosa Dolores," proceeding from the Island of Pascoa in 29 days with 160 natives.

It is stated in the "Cronica de Callao" that the colonists brought by the last ship came as passengers; 25 were sent by the captain of the "Guillermo," 28 by the master of the "Micaela," "Miranda," and 45 by the commander of the "Rosa Patricia," the remainder were from the ships "José Castro," "Rosa y Carmen," and "Cora," which were at anchor before the Island of Pascua at the departure of the "Hermosa Dolores."

The "Cronica" then goes on to say that it appears the inhabitants of the above island refused to embark, intimidated by the artful stories forged by the speculators who were ultimately carrying on work there, and that such was the terror of the natives that not only did they abstain from visiting the ships, but likewise retired into the interior, setting on fire the bushes on the coast. For this reason the vessels were obliged to abandon it and continue their voyage.

Thinking this information might interest your Lordship, I have deemed it right to forward it.

Mr. Robertson informs me that the colonists who have lately arrived are reported to be in good health and that no deaths occurred on the voyage.

I have, &c.

(Signed) WM. STAFFORD JERNINGHAM.

No. 9.

Mr. Jerningham to Earl Russell.—(Received March 17.)

My Lord,

Lima, February 9, 1863.

I BEG to inclose copy of a further report which I have recently received from Her Britannic Majesty's Acting Consul at Callao, respecting the Polynesian Emigration.

It appears from it that two seamen, named John O'Neil, and Charles Winter, who had proceeded to the Pacific Islands, in the Peruvian brig "Truxillo," which lately returned to Callao, presented themselves at the Consulate, and made a statement, which

I now have the honour to submit to your Lordship for perusal. It would seem that during the voyage, according to information given to deponents by the crew of a boat that was sent on shore at an island called Mongananara, that the chief of that island, his wife, a woman, and two boys, were taken by force, for the purpose of compelling them to proceed to some other islands to act as interpreters, after which, it would appear, the vessel went to Nakahana, where the chief was left behind; but at other islands, it is stated by these seamen, many Polynesians were received on board by their own free will and consent.

Upon the deponents informing Mr. Robertson that a native, named Frank, was detained on board against his will, and that he requested to be allowed to see the British Consul, as he claimed British protection, on the ground that the island of Nakahana belonged to Great Britain, the Consul requested that the Canaca Frank might be brought before him, which was accordingly done.

After carefully examining this man, Mr. Robertson says, that the statement made regarding him by the deponents, turned out to be either false, or a misunderstanding on the part of the informers, as this Frank is one of the crew of the "Truxillo," and earns sixteen dollars per month, and had never requested to be taken to the Consulate, nor had any complaint to make whatever, further assuring the Consul that all the colonists who came to Peru in the "Truxillo," did so willingly.

In this case, the above may possibly be correct; but if the natives in general have left their homes of their own free will, how is it, from what I hear, that they do not in many cases seem inclined to work at the Peruvian haciendas, to which they have been taken? In their own islands, they appear to be not much accustomed to labour, and probably, had they been fully aware of what would be exacted of them at Peruvian farms, where the labour required is not perhaps excessive to a man accustomed to toil, their free consent, if such has been acquired, would not have been so easily obtained by speculators in Polynesians.

Mr. Robertson considers that these speculations will die a natural death on account of the unwillingness which the emigrants evince for work. However, I believe, there are now in the Port of Callao a good many Polynesians waiting to be collocated by those who may purchase their contracts.

I have seen some of these individuals in the streets of Lima, who appear erect and well-built; but evidently ill at ease in their clothes, and not wearing much the appearance of agriculturists; in fact they looked to me very primitive specimens of humanity.

Since writing the above, I find in the "Comercio" of Lima, February 8, an article upon Polynesian emigration.

This states that "the Polynesian immigration to Peru is becoming a very serious affair, and that it is being converted into real 'trata,' meaning slave-trade; that the authorities and populations of the islands of the Protectorate are becoming alarmed, and that they are taking measures to prevent the continuation of this criminal traffic, and to capture the vessels engaged in it."

Information from the "Mensajero," of Tahiti, is then detailed, the substance of which I will endeavour to give your Lordship. It states that the "Latouche Treville" had gone to the Island of Tuamotu, in search of the vessels indicated by the natives, as being guilty of acts which have the character of piracy; that some natives had been embarked in these vessels deceived by one, or many residents, who have made themselves the mediums of these criminal enterprizes, and after having received advances in commodities and money, designed making a voyage of three or four months with the intention of afterwards returning to their islands.

Mention is then made of the letter which the French Commisary has addressed to the Chiefs of the Archipelago of Mamotu, a dependency of the Protectorate which revealed all the indignation which these operations had caused.

It says that the Islands of Fakaraod and Barnia were the centre of these recruitings, and that the "Latouche Treville" would soon be able to give information on that point.

It also added that it was certain that the Governments of France and England, when they knew that the natives of Oceania were the objects of such speculations, would adopt efficacious means that no flag should cover the agents of speculations which bear such similarity to slave-trade.

It also states that the Queen had wished her husband and eldest son to bear to the Islands of Tuamotu tokens of her sympathy, but at the same time severely reprimand the Chiefs who had permitted themselves to be so grossly deceived, as even to forget their respect for the laws.

Here follows the Proclamation of the Imperial Commissary.

A person, apparently a Chilian writing from Papete, says, according to the extract: "In listening to the authorities of the Protectorate, to the press, and to information which deserves credit, it appears indubitable that the Polynesian emigration is the result of criminal operations. The speculators who send vessels to the islands of Oceania cannot affirm that there exists between them and the people they take on board a legitimate contract. To carry off a man from his home and to go and sell him in a strange land, if it is not a form of slave-trade, approaches very nearly to it. The Polynesian emigrant, like the negro, is ignorant of his destination; like the negro he is sold, and like the negro he has no real interference in the contract which is realized upon his person.

"The speculator sells the emigrant according to his age for 120 up to 250 dollars and does not trouble himself respecting the work to which he is to be destined. This is making of man a merchandize. There is in all this an attack against morality and humanity. We do not maintain, as the French diplomatic agent in Peru has, in an exaggerated way pretended, that Peru has to answer for the violation of the laws which govern the islands of the Protectorate, but we believe that her duty and honour oblige her to forbid that her ports shall receive cargoes of men, who in her cities, and under the protection of her laws, and in presence of her authorities, are sold as goods, only because they are savages. The nation which has destroyed slavery, which has proclaimed liberty for whoever comes to live under the protection of her institutions, this nation cannot, without self contradiction, allow such revolting contracts to be concluded in her sight.

"If Peru wants hands there are a thousand means of attracting legitimate emigration without casting a shade upon her respect for the liberties of mankind.

"In this traffic there is a fact which nearly concerns us.

"Some of the vessels employed in transporting emigrants are 'Chilian.' This involves a responsibility for the flag. Our flag cannot be, without disgrace, the protector of similar speculations.

"It appears that our Government has understood it thus, and has already taken energetic means to prevent such unworthy complications. To pursue without tarrying these speculators in human flesh is the duty of Peru. We trust that she will perform it. The liberty of commerce will not permit this offence. Let the introduction of the Polynesian emigration be permitted; but let them come as free men and not under the tutelage of speculators; let them come to enter into contracts, not sold. If the truth of the matter is such as the facts known up to the present time present it, a tremendous responsibility weighs upon the Government of Peru. It is necessary that this Government should give explanations; it is fitting that America should know—that the world should know—if they have tolerated this abuse, or have been ignorant of it. If the former let them put an end to their toleration; if the latter let the evil be repressed with all the energy of justice and offended humanity."

I beg to offer the foregoing to your Lordship without making any observations of my own, not having received any official data or private information from the Pacific Islands on the subject.

With regard to what may be ascertained at Callao respecting Polynesian emigration, I shall continue to direct Mr. Robertson to give me what information he may be able to obtain.

I have, &c.

(Signed) WM. STAFFORD JERNINGHAM.

Inclosure in No. 9.

Acting Consul Robertson to Mr. Jerningham.

Sir, *For information of the Hon. Secy of State, I beg to send you a copy of a letter from Callao, February 5, 1863.*

TWO seamen, named John O'Neil and Charles Winter, who proceeded to the Polynesian Islands in the Peruvian brig "Truxillo," presented themselves at this Consulate, and made the following statement with regard to the voyage of their vessel to the above-mentioned islands, viz., that the "Truxillo" left this port towards the end of September and arrived at an island called Mongananara, where the chief of that island, his wife,

a woman, and two boys, were received on board ; that according to the statement made to the deponents by the crew of the boat, which was sent on shore for these people, they were taken by force from the island for the purpose of compelling them to proceed to some other islands to act as interpreters ; that the vessel then proceeded to Nakahana Island, where the chief was left behind ; that at the Island of Manahe between seventy and eighty persons, including men, women, and children, were taken on board by their own free will and consent ; that at the Island of Nuay about fifty more (men only), were likewise received on board by their own desire. The deponents further stated that a Cnaca, named Frank was detained on board the "Truxillo" against his will, and that he requested to be allowed to see the British Consul, as he claimed British protection on the ground that the island of which he was a native, Nakahana, belongs to Great Britain.

In sight of this statement, I requested the consignees of the "Truxillo" to allow the said Frank to be brought before me, which they immediately consented to. After having carefully examined the said Frank as to the statement made with regard to him, it turned out to be either false or a misunderstanding on the part of the deponents, as Frank is one of the crew of the "Truxillo," and earning sixteen dollars per month, and had never requested to be taken to the Consulate or had any complaint whatever. He further assured me that all the colonists, who have come to Peru in the "Truxillo" did so willingly.

On the 2nd instant, the Peruvian barque "Rosalia," arrived from the Island of Hayram, bringing one hundred and ninety-six Canacas, of whom thirty-seven are women and ten children.

I have, &c.
(Signed) E. W. ROBERTSON.

No. 10.

Mr. Jerningham to Earl Russell.—(Received March 17.)

My Lord, *Lima, February 12, 1863.*

AFTER I had finished my despatch of the 9th instant, I received via Valparaiso, from Mr. Miller, Her Britannic Majesty's Consul at Tahiti, a despatch, forwarding another through me under flying seal for your Lordship, giving information respecting the proceedings of Polynesian speculators in the Pacific Islands.

Some of this information is new to me, but other parts of it, which had been already in the public newspapers here, and of which I have made your Lordship cognizant in my above-mentioned despatch, is mostly what I have already learnt.

Mr. Miller, and the residents in the Pacific Islands, from their knowledge of the character and customs of the natives, are seemingly much better judges as to whether these individuals come of their own free will ; and besides, the mode which is had recourse to in obtaining them and the whole process must be better and more publicly known at the islands themselves, than to us by what we can learn in Calloa from the people engaged in this trade ; perhaps even the proprietors and consignees of the vessels, who are people of notoriety here and in Callao, are not aware themselves of all the circumstances under which many of the natives may have been obtained.

As Mr. Miller's account chiefly concerns islands under the French protection, I see no cause for my active interference until I receive orders from your Lordship, but I shall seek an occasion to inform the Peruvian Minister for Foreign Affairs of what are said to be the proceedings of the Polynesian speculators in some of the islands of the Pacific, and warn his Excellency that if any abuses are practised at the islands under British protection, or belonging to Great Britain, complications may arise that may prove exceedingly disagreeable to Peru.

I beg to forward to your Lordship the despatch of Her Majesty's Consul at Tahiti, which I received on the 11th instant under flying seal.

I have, &c.
(Signed) WM. STAFFORD JERNINGHAM

Consul Miller to Earl Russell.—(Received March 17.)

(Extract.)

Papeete, Tahiti, November 29, 1862.

I DEEM it my duty to solicit your Lordship's attention to certain serious occurrences that have recently taken place in these seas, and the particulars of which I proceed to have the honour of placing within your knowledge.

Two Peruvian merchant vessels, the barque "*Serpiente Marina*," and brig "*Barbara Gomez*," called at this port early in the present month, and it has transpired that they formed part of a fleet of some ten or twelve vessels lately fitted out at, and despatched from, Callao, for the purpose of collecting natives amongst the islands of the Pacific and introducing them into Peru as immigrants under contract for service.

The abolition of slavery in Peru, a few years ago, is stated to have led to a great scarcity of labourers in that country, and this deficiency was, it would seem, sought to be met by the introduction of Chinese labourers at a considerable expense, until an apparently cheaper and easier method of procuring labour was divulged to the Peruvians about the middle of the present year. At that period a vessel despatched from Calloa succeeded in obtaining at the Penrhyn Islands (situated nearly midway between the Marquesas and Navigator's Groups) as many, it is said, as two hundred and eighty of the islanders, men, women and children, whom she conveyed to Calloa, where the title to their services was, I am told, disposed of at an average rate exceeding one hundred dollars per head, under the plea of passage-money due for their conveyance.

The successful result of the voyage alluded to, at a moment, too, when there seems to be an increasing demand for labour in Peru consequent upon the extension of rice and cotton-planting, is reported to have keenly excited the attention of speculators, who, it appears, expect to continue in like manner to realize large profits from the collection of South Sea Islanders, and from the transfer of the term of service for which these people may be bound, in the so-called contract under which they are landed in Peru—or in plainer words, from the sale of these deluded islanders into protracted servitude, and that servitude most probably of a kind which neither their nature nor their habits are likely to permit of their very long enduring.

I am credibly informed that so sanguine are these expectations of profit, that even companies, in small shares, have been got up in Lima for sending out expeditions in this new traffic, and that amongst the ships already despatched are several crazy old vessels, that had long been laid up as hulks, but which in the enthusiasm of speculators have been equipped as good enough for this service.

One of the two Peruvian ships, already referred to as having come into this port, besides being prepared with a strong open barricade upon the upper deck a little abaft the mainmast, and with other suspicious fittings, has her between decks extremely low, ill-ventilated, and much encumbered with the extensive arrangements for berthing her expected passengers. The second ship's passenger fittings had not been put up, but the necessary materials were ready on board: she was evidently very old and leaky.

It is not difficult to foresee that much suffering awaits the unfortunate natives crowded into such inefficient ships, and that great frauds and abuses will be perpetrated in collecting and engaging these ignorant people, if they be left to the mercy of interested parties, as they at present seem to be.

It is a general custom of the islanders to go in large numbers on board of vessels arriving off their shores, and the many favourable opportunities thus afforded for inducing them to consent to leave, under false promises of great advantages and speedy return, or for otherwise securing them and carrying them off, are not likely to be neglected by unscrupulous collectors, whose profits will usually depend upon the number of natives procured by them.

Slop clothing suitable to the native taste, and contracts printed in Spanish with blanks for names, dates, advances, &c., are on board in readiness. Doubtless the marks of the islanders will be obtained at the foot of such papers before they reach Peru, and probably, too, the contract will be attested by some irresponsible person hired at high wages amongst the islanders to assist in entrapping the natives and pretending to be a competent interpreter. But it may, I am sure, be safely assumed that not one of the islanders obtained will possess anything approaching a clear knowledge either as to where he is going, or as to the length or description of servitude to which he may be dooming himself when making his cross at the bottom of one of those so-called contracts.

There is in short but too much reason to fear that this new method of supplying Peru with labourers will, if permitted to continue unchecked, become in practice no better than a system of kidnapping, if not of piracy, leading, it may be apprehended, to little short of the slavery in disguise of its unsuspecting victims.

But this is not all. The abduction of the islanders on the extended scale that seems to be contemplated, must moreover sooner or later, have the effect of exasperating the natives in general, and serve to provoke in many instances sanguinary acts of retaliation, sometimes perhaps upon unoffending ships, when such might unhappily be the first to offer the islanders a chance of remedying the wrongs inflicted upon their relatives or fellow countrymen.

Great peril would thus be unjustly occasioned, even to those who, in the exercise of lawful pursuits, may continue their accustomed intercourse with the islanders of these seas, whose inhabitants will naturally become more savage under their new persecution, and of course their progress towards civilization be greatly retarded.

I have ventured to submit the foregoing statement with a view to the better understanding of the particular facts with which I now beg permission to make your Lordship acquainted.

The "Serpiente Marina" had been but a very short time in this port, when information was given to the local authorities that there were on board, under illegal detention, some persons supposed to be natives of the Gambier Islands, where the vessel was known to have touched on her way hither, and which your Lordship will recollect are French possessions.

In consequence of these reports the local authorities sent an officer off to the ship to muster her crew and passengers, and two islanders were found on board whose presence there was not satisfactorily accounted for. These two persons were accordingly brought on shore for fuller examination, and they were ultimately found to be natives of Easter Island, where the "Serpiente Marina" had also called on her way from Callao to this place. The two islanders in question had, it seems, gone voluntarily on board of the vessel, but it is quite as clear that they were kept there against or without their will, either by deceit or by force, whilst they also clearly enough make it understood, as I myself have witnessed, that their chief desire still is to return to their island, and to their wives and children. They have both been set at liberty, and remain on shore at Papeete for the present. The Imperial Commissioner has, however, informed me that it is his intention to cause them to be re-landed at Easter Island by the next French Government vessel proceeding from hence to Valparaiso.

In the course of the examination of the two islanders, they succeeded in making known, that while at the Gambier Islands, the "Serpiente Marina" had been involved in some affray with the inhabitants, in which a person belonging to the ship was wounded.

This discovery led the local authorities to proceed to the examination of the captain and crew of the vessel, whose declarations were to the effect that the natives of the Gambier Islands had assembled in arms, under the authority of their chiefs, and had disarmed the master, supercargo and surgeon of the "Serpiente Marina" whilst they were on shore at that place, the supercargo receiving a slight wound on the occasion; the inquiry did not, however, clearly bring to light the cause that led the natives to take up arms, though it was strongly suspected that the act must have been provoked by some improper attempt on the part of the Peruvian ship to carry off natives, as she had previously done at Easter Island.

At this stage of the matter, intelligence reached Papeete that a third vessel, shewing no colours, but naturally supposed also to be one of the before-mentioned fleet sent out from Callao, had quite recently been hovering about the Paumotu Islands (which, it will be remembered, are dependencies of Tahiti), and that this vessel had already succeeded in obtaining, at one of those islands some thirty or forty natives, who, it seems, were enticed to quit their homes under the false pretence that they were to be conveyed to some island at no great distance, to work there at high wages, and to be brought back again in five or six months. An unscrupulous person residing at the Paumotu Islands was found to aid in the accomplishment of this fraudulent act, in consideration of high wages, besides a bonus of ten shillings a-head for each native obtained. This person, according to the information received here, was still engaged in collecting people among the different islands of the Paumotu Group, and it was expected that the vessel in question would embark in this way as many in all as two hundred of the islanders before her final departure for Peru. As it, however, appeared highly probable that the time which would yet be required to make up this large complement, might, on the other hand, be sufficient to enable the offending vessel to be overtaken, the Imperial Commissioner despatched the

French war steamer "Latouche Treville" from hence for the Paumotu Group on the day following, namely, on the 25th instant, in pursuit of her, and with orders, should she be found, to seize and bring her to Tahiti for trial.

The "Serpiente Marina" meanwhile remains here under judicial detention until her proceedings at the Gambier Islands shall have been more completely investigated, for which purpose the steamer "Latouche Treville," is shortly to be sent thither with the requisite officers of justice.

The brig "Barbara Gomez" was, like the "Serpiente Marina," subjected to search at this port, but nothing palpable appearing to warrant her detention, she was suffered to depart on the 19th instant.

It is to be hoped that the vigilance and decided measures of the French authorities at Tahiti will soon have the effect of putting an end to this odious traffic in natives throughout the islands under French protection; but a wild field for its exercise will still remain open in these vast seas, and the vessels engaged in it, whilst carefully avoiding Tahiti and its dependencies, may pass on and find in the extensive Archipelagos to the westward full scope for continuing their aggression.

Her Majesty's Government, as well as that of France, will no doubt take a lively interest in the suppression of such abuses, and it must be hoped that the Peruvian Government, will not fail, on its part, to co-operate towards the same end; but some time must necessarily elapse before complete measures can be concerted for affecting this desirable object. In the meantime every available means will be taken of warning the islanders, in all accessible directions, of the danger to which they are exposed, so as to put them, as soon and as far as possible, upon their guard against those snares into which some have already unwarily fallen.

By a vessel that arrived here this morning from the French Possession of the Marquesas Islands, information has been received of some Peruvian vessels having lately been at those islands also in search of labourers; it would appear, however, that they were not successful in inducing any of the natives to go away with them.

I acquaint Her Majesty's Chargé d'Affaires at Lima with the illegal proceedings previously referred to of Peruvian vessels in these seas; and for his fuller information I transmit to him, under flying seal, the present detailed report upon the matter, praying of him to be pleased, on forwarding the same to its destination, to furnish your Lordship with any observations or additional information connected with the subject thereof, which he may think it advisable to place under the notice of Her Majesty's Government, with a view to the better understanding of the case.

I likewise transmit information of the same kind to the Commander-in-Chief of Her Majesty's Naval Forces in the Pacific, through the Senior British Naval Officer on the coast of Peru.

No. 12.

Mr. Jerningham to Earl Russell.—(Received March 31.)

My Lord, Lima, February 26, 1863.

I HAVE heard that another vessel with two hundred and three Polynesians has arrived at Callao, and I have ordered the Acting British Consul to report to me any information which he may be able to collect respecting them.

I doubt whether much cleanliness is observed on board of these vessels, for I was informed the other day that a gentleman of my acquaintance, a proprietor, went on board this or another Polynesian emigrant vessel, with the object of obtaining some islanders, but was so much disgusted with the odour proceeding from the ship and with the appearance of the people, that he did not engage any.

To-day I had occasion to see Señor Paz Soldan, the Minister for Foreign Affairs, when I asked his Excellency if, at the time when the Peruvian Government had conceded licences to bring Polynesians to this country, those licences extended to the whole of the Pacific Islands; for I observed, although I had no orders from my Government to communicate with him on these matters, yet, as there were some of those islands that might be under British protection, I trusted that no abuses might take place there, as such abuses might lead to disagreeable questions and complications which it was most desirable to obviate. His Excellency replied that the present Government had been opposed to Polynesian emigration; and that an end would now be put to any abuses, I

supposed likely to occur, for that the Minister for the Home Department had issued a Decree, published in the official journal, the "Peruano," on that subject, copy and translation of which, I beg now to forward to your Lordship.

It appears by this, first, that captains of vessels bringing colonists from the Pacific Islands or from other parts must give to the Commissions established by the Decree of the 20th December, a circumstantial account respecting these colonists and of the instruments in virtue of which their services have been contracted for.

2nd. If these last documents should not be verified in the form which Article 810 of the Code of Peru ordains, or should not be recognized before the judicial authorities of the Republic, that the colonists will be assisted in their right to dispose of themselves in the way that they may deem proper, without preventing the captains or speculators who may have employed stratagem or violence in taking them away from their own country, from being judged criminally as the law disposes.

3rd. The Commissioners already mentioned will interfere with regard to the first contracts entered into with private persons respecting the services of the colonists, the judicial authorities and the police taking proper measures, as far as they are concerned, for the punctual observance of the Articles 813 of the Code of Enjuiciamiento and 1622, 1835, 1836, and 1639 of the Codigo Civil.

4th. The captains of vessels who conduct these expeditions of colonists will not be allowed to disembark any emigrants without these steps, ordered by the first Article of the above Decree, having been taken.

His Excellency finally added—"Take care of your own house, and we will take care of ours."

The French are beginning to do this at the islands under their protection, and if the agents in those islands in the Pacific which are under British protection or influence, could do the same, these speculations, in which many abuses may have probably taken place, although difficult to detect here, will fall to the ground.

I beg now to forward extract and translation of an article in the "Comercio," respecting Polynesian emigration to Peru, in which it is endeavoured to establish that these people will make better colonists than the Chinese, which is much to be doubted. It at the same time argues that if the Polynesians are treated well and made to work only lightly at first, that they will ultimately perform good service; but if differently, that they will give themselves up to regret at leaving their homes, and to despair.

An example is given of it where a Polynesian woman, upon seeing a Peruvian lady, threw herself upon her knees, begging with tears in her eyes to be taken into her service; but also it gives another example of a different kind, where an agriculturist having provided himself with several of these emigrants set them to work, as he would the "peas" or labourers of the country, and that the consequence was that two-thirds of these Polynesians died.

As to the Polynesians themselves, I do not see any advantage, even if they came here of their own free will, in leaving their own beautiful islands to work upon Peruvian farms in company with the cunning Cholo and the free Black.

I also inclose copy of a despatch just received from Her Britannic Majesty's Acting Consul at Callao respecting Polynesians.

I have, &c.
(Signed) WM. STAFFORD JERNINGHAM.

Inclosure 1 in No. 12.

Extract from the "Peruano" of February 20, 1863.

(Translation.) Lima, February 20, 1863.

IT being necessary to prevent the abuse of the licences granted for the introduction to Peru of labourers of both sexes, and the Executive power having the right to dictate the measures and regulations that may be adequate to secure the fulfilment of the laws—the following is resolved upon: 1st. The Captains of vessels who bring colonists from the islands of the south-west of the Pacific, or from any other parts, shall present to the Committee established by the Decree of the 20th of December last, a detailed statement of the said colonists, as well as the document in virtue of which their services have been contracted. 2nd. If this last document should not be proved in the manner ordered in Article 810 of the Judicial Code, or recognised before the judicial authorities

of the Republic, the colonists shall be assisted in the right to dispose of themselves as they may think fit, notwithstanding which the captains or speculators who shall have used fraud or violence in separating them from their country, shall be criminally prosecuted as the law directs. 3rd. The Committees referred to, shall intervene in the first contracts entered into with private parties for the services of the colonists, the judicial authorities and those of Polynesia taking care, as far as regards them that Article 813 of the Judicial Code and Articles 1632, 1635, 1636, and 1639 of the Civil Code be punctually observed. 4th. The captains of vessels bringing colonists shall not disembark them in any port of the nation without having executed the orders contained in the 1st Article of this Decree. Let this be communicated and published.—A Rubric of his Excellency.—Arenas.

Inclosure 2 in No. 12.

Extract from the Lima "Comercio" of February 20, 1863.

(Translation.)

THE want of hands has been with us, and will continue to be so for some time, an obstacle to the progress of agriculture, and with the desire of doing away with this great inconvenience, people have occupied themselves at various periods, and with various success, in introducing colonists from different nations.

Until lately, Chinese have been brought hither; nevertheless, in general, on account of their weak constitution, they are not apparently fit for the labours of agriculture, and much less if you consider their bad habits and not very good disposition. Some are now here established in taverns and engaged in other lucrative occupations; but the most of them occupying their time in gambling and debauchery, instead of being any service to the community, only change residence, evincing an invincible inclination to idleness and their own perverse customs. For some time many merchants here have entertained the idea of bringing Polynesians to Peru, obtaining for that purpose Government licences and vessels to be employed in this traffic. Some hundred Polynesians have arrived, and we can give the assurance that they are more useful than Chinese, and that shortly they will chime in with our customs and perform that work for which they may be destined. Robust and intelligent in general, they bear a resemblance to the "cholos" (Peruvian civilized Indians), and it will be easy to fashion them to the kind of occupation that may be required.

However, we have heard them judged in an unfavourable light; and they have been supposed to be incapable of dedicating themselves with profit to any class of employment. But in advancing such an erroneous opinion, those who make the assertion do not take into consideration that men leading a wandering and savage life, accustomed to live by fishing and without social habits, plunged in the most supine ignorance, and beholding their existence passing away like the plants of the desert, without more light than that of the heavens, without more ideas than those which exist in an uncultivated mind, without other considerations than those which arise from fear and absolute independence, never constrained by any reflexions, cannot, during such a brief change, alter their customs and acquire habits of industry, submission, and respect. Out of a savage a king can be formed, but only by means of education, not by harsh treatment. He will only be made to detest the society in which he may receive such bad treatment and to harbour in his heart, virgin as yet to the impressions which cultivation and progress foster, the cursed germ of despair.

Astonished at beholding fields which his mind never imagined, delighted with the infinite variety and beauties which fascinate his eyes, and at sights which he has never been accustomed to see, he can, with good treatment, be induced to accommodate himself to the exigencies of labour. If he be treated differently, then will he sigh after his solitary coasts and abandoned fatherland.

A Polynesian woman, seeing a lady in the ship in which she came, threw herself at the feet of the latter, and there prostrate, with palpitating heart and tears in her eyes, supplicated to be taken into the lady's service, and to remain by her side. She amused herself with examining the lady's dress, finding herself under a spell.

And these Polynesians were considered rebellious, and of indomitable dispositions!

Some farmer or other took several Polynesians, and from the first day obliged them to work in the same manner as the other "Peones" (labourers) from morning to night,

without other rest than what is allowed to men accustomed to such work. What was the result?—a consequence that could not fail to happen—two-thirds of them died.

Let these people be accustomed by degrees to labour; let them be encouraged; dispense with punishment at the beginning, and then they will perform good service.

Inclosure 3 in No. 12.

Acting Consul Robertson to Mr. Jerningham.

Sir, *Callao, February 24, 1863.*

I HAVE the honour to report to you that a vessel, under Peruvian colours, called the "Theresa," arrived in this port on the 21st instant with colonists from the Island of Independencia, one of the Polynesian group.

The number brought in this vessel, including women and children, is two hundred and three.

To-day I proceeded on board the "Theresa" to gather some information as to the manner which these colonists were brought, but beyond the assurance of the supercargo that they were brought of their own free will and accord, I could obtain no information.

The men mostly are clad in shirts and trowsers, a few I observed had only shirts on; the women appear to be superior to the men, both physically and mentally, and are decently dressed.

(Signed) E. W. ROBERTSON.

No. 13.

Mr. Jerningham to Earl Russell.—(Received April 12.)

(Extract.) *Lima, March 12, 1863.*

I BEG to be allowed to submit to your Lordship a translation of an extract from the "Comercio" of Lima, headed "Polynesians."

This article is evidently hostile to the introduction of these colonists into the country, and advises measures to be taken in time so as to anticipate those which may ultimately be exacted from this country to put an end to a traffic (and the abuses of which it is liable), which, according to this article, would seem to be a kind of slavery.

The writer of the above is of opinion that according to the law of the land the contracts of these Polynesians are invalid because persons of no capacity and savages, unable to understand the provisions of a contract, cannot enter into a legal one, and is also of opinion that were a Polynesian to present himself before a competent judge and sue for a nullity of contract, the judge, unless being guilty of gross fraud, would not only give a favourable decision for the Polynesian, but one for all other Polynesian colonists similarly situated.

This colonization ought, I think, to be put a stop to. First of all, it is useless; these Indians die off and won't work; secondly, whatever may be said about their coming here of their own free will and accord, it may reasonably be supposed that abuses have really taken place, or why are the French authorities at Tahiti, &c., so irate and active in suppressing the attempts to take away the natives of the Pacific Islands.

From the Protectorate which the French exercise at Tahiti and other groups, it is evidently their "rôle" to be the first in investigating and suppressing this "unworthy traffic," as the enclosed extract terms it.

There have been reports of natives having arrived here who claimed British protection.

As I have no orders from your Lordship to interfere actively, I have not done so, because your Lordship's despatch of the 26th of November last only limits me to watching this business and reporting upon it.

The other day Her Majesty's Consul at Callao wanted to send up to me at Lima a Polynesian (with an interpreter), who claimed British protection. The French Consul, I believe, had wished this man to go to the British Consulate.

I answered that before this man was sent up to Lima I wished to know if he was or not a British subject; but as it could not be asserted by the Consul at Callao that he really was, he was not sent to me.

The owner of the "Truxillo" was, it appears, under contract with this man to take him back to his native island, and Mr. Robertson, the Vice-Consul at Callao, in the presence of the French Consul, agreed that the Polynesian should go on board, where Mr. Robertson felt he would be well treated. I believe this Polynesian is one of the crew.

I also beg to forward to your Lordship copy of a communication from Her Majesty's Consul at Callao, inclosing the voluntary declaration made by a Dutchman, late carpenter on board of the "Theresa," which vessel, not long ago, brought Polynesians.

This man states that about two hundred of them were brought from Easter Island and against their will; whereas Mr. Robertson who went on board the "Teresa," as reported in his despatch to me inclosed in my despatch of the 26th of February last, to your Lordship, says that that vessel he learnt brought them from the Island of "Independencia," which cannot be Easter Island, or "Isla de Pascoa," as it is called here.

To clear up this discrepancy, I wrote to Mr. Barton, copy of which note is herein inclosed, asking for explanations, stating at the same time that when it was known what Harry Mass, a native of Holland, had to declare, it appertained more to the Peruvian authorities of Callao to receive this man's statement than to the British Consulate.

From the deponent not giving any dates and saying that he had been sent to Her Majesty's Consulate by the French Consular Agent, Mr. Barton did not appear to attach very much importance to the matter. However, it may possibly be all correct, but I doubt whether Harry Mass could have been induced to make a similar declaration before the Peruvian authorities.

Without orders, I have taken no steps in this business with the Peruvian Government.

It is thought that the proceedings of the French authorities in Oceania will, with the disinclination at present of the public to take these Polynesians, put a stop to these speculations.

M. Lesseps, the French Chargé d'Affaires, tells me that his conduct with regard to the Polynesian emigration has been approved of in Paris.

Inclosure 1 in No. 13.

Extract from the Lima "Comercio" of March 3, 1863.

(Translation.)

POLYNESIANS.—VARIOUS ships that went in search of Polynesians have been detained by the French authorities of Oceania.

The foreign press considers the commerce in Polynesians as a new slave-trade, the credit of the country being damaged by it, and all this causes us to fear, with or without reason, that this business may occasion Peru serious conflicts.

Although the introduction of Polynesians might be useful, nevertheless, it would be advisable to forego it, in order to save us from international complications which might ensue, and from the antipathies which it might cause us, but fortunately any loss to Peru, in closing her ports to these colonists, will not be occasioned.

The greater part of these people are accustomed to live on the fruits which the earth offers them spontaneously, and on this account, they detest labour. In what will our agriculture gain by having men who know nothing, who are void of aspirations, and whom it is possible by force alone to compel to pay, with the sweat of their brow, the bread and money which are given them.

If the labour of savages can be utilized, truly there is no necessity to go to "Oceania" in search of them, as we have a sufficiency of such individuals in our territory whom it would be very easy to take from their hordes and convey to the cities, and the fields which we cultivate.

The "Morocochas," and those who people the banks of the "Amazons," are not in any respect inferior to the Polynesians. But this is not the population which is necessary for the increase and amelioration of our territory.

The adult wandering in the woods, without any other than the commonest necessities, and without believing that the force with which he is endowed, can be of use for increasing and furthering the products of nature, is not only useless, but prejudicial.

The presence of savages in our fields will resuscitate the "galpon" (barracoon) and the overseer, the prostitution and abasement of not only the labourer, but the work. The family and slavery, whether temporary or permanent, are incompatible.

He who is not master of his own person, and does not derive those advantages, promised by labour, cannot be a husband or a father. Work performed under the pressure of owners ceases to be virtue, and becomes a profound sorrow whose deep-felt lamentations keep aloof strong and manly minds.

At present we have not sufficient means for civilizing the indigenous inhabitants who constitute our principal material force, and we have gone in search of other people less agricultural than the above to augment the difficulties, which, on this account, the Republic encounters in its progress.

There are considerations of another kind, as well as those we have just expressed, showing the necessity of prohibiting the introduction of Polynesians.

The mortality of these is very considerable. Many are in the hospitals, and few get well, in spite of careful attention.

Is it possible that our Government can consent to these unfortunate people being snatched away from their islands to be conducted to certain death?

May not our inhumane inattention draw down upon us an epidemical infliction that might deprive us of thousands of persons of real utility?

We know well, that after having authorized this unworthy traffic in which Polynesian speculators have embarked. The Government could not "ex abrupto" forbid the importation of these colonists, but what impropriety would there be, in order to effect it, to issue a decree conceived in the following terms:—

1. From the date of six months hence, Polynesians shall not be permitted to enter the country collectively. The fitters-out and captains of vessels shall not be allowed to convey on board more than what suffice for the ship's service, and in no case shall they pay their expenses incurred in being brought, but hiring themselves for the services which they may perform.

2. Polynesians, who, before this term, may arrive in Peru, if they should wish to return, shall be conducted, at the cost of Government, to the places from which they may have been abstracted. In this case the state shall reimburse the captains and fitters-out the expenses they have been put to in bringing them.

It may be that what we now propose, or something more may be exacted of us, not without justice, later on.

Let us put an end to this evil; let us save our credit, by anticipating all demands.

All Governments are liable to commit errors, but ours committed a very great one in authorizing the importation of Polynesians, and are committing a greater one by giving a passive acquiescence to a form which appears now to be slavery.

Retrocede in time. Save the permanent interests of the country and the national honour. It is contradictory and shameful, that a country which knew how, at the cost to its treasury, to free itself from the leprosy of slavery, consents to it under another form, and in a manner that gives rise to such evils.

It cannot be said that the Polynesians are free to dispose of their persons, and that consequently they can oblige themselves to work, under given conditions, for a certain number of years; because liberty does not exist in a person deprived of capacity; because every contract contrary to the laws is void, and the laws have prohibited temporal and permanent slavery.

Do the Polynesians understand perchance the obligations imposed upon them by these contracts, true or suppositions, which in their own, or in this country, they are made to sign, or which are forged? Do savages know what labour from four to eight years imports?

Can they have an idea of the cost of their passage, of what they ought to pay, and of the manner in which this payment must be satisfied?

All the Polynesians in Peru are free, because they are not bound by the real or supposed contracts with which it has been attempted to bind them.

No judge, without committing the most odious prevarications, can recognize the rights of the patrons; if these have been injured, up to a certain point they deserve it; but perhaps they will have the option of a restitution of what they gave for these people.

We may be wrong, but we believe that the first Polynesian who presents himself

before a competent judge, applying for a nullity of contract, will not only obtain a favourable sentence, but a sentence favourable to all those who may find themselves in the same case.

We desire that this may reach the ears of the Polynesians, for it would be an excellent fulfilment of the measures which we propose for the emancipation of the unfortunate beings who may have the good luck to escape the diseases which are devouring them.

Inclosure 2 in No. 13.

Consul Barton to Mr. Jerningham.

Sir,

Callao, March 6, 1863.

I HAVE the honour to transmit herewith certified copy of a voluntary declaration made and registered in this Consulate by Harry Mass, a native of Holland, late carpenter of the Peruvian barque "Theresa," relative to the manner in which certain natives of Easter Island were detained on board that vessel and brought to this port. You will please to observe that the deponent does not give any dates, not being able to give them correctly and that he stated that he came here at the request of the French Consul at this port.

(Signed) JOHN BARTON.

Inclosure 3 in No. 13.

Declaration of Harry Mass.

THIS day before me, John Barton, Esquire, Her Britannic Majesty's Consul at Callao personally came and appeared

Harry Mass, late carpenter of the Peruvian barque "Theresa," who voluntarily declared as follows, viz., that he joined the above-mentioned vessel in this port as carpenter, in which capacity he proceeded in the "Theresa" to Easter Island; that on arriving at that island some of the inhabitants swam off and that others were brought off to the vessel for the purpose of purchasing or bartering Irish hooks and clothing; that when there were about two hundred persons on board including men, women, and children, sail was suddenly made on the vessel, and the persons on board were detained against their will and brought to this port; that the persons referred to requested to be allowed to return on shore, but were refused permission, and detained on board by the captain and chief mate of the vessel.

(Signed) HARRY MASS.

Sworn at the British Consulate at Callao this fifth day of March, in the year of our Lord 1863.

Before me,

(L.S.) (Signed) JOHN BARTON.

Her Britannic Majesty's Consul.

I hereby certify that the foregoing is a true and faithful copy of the original declaration registered in the archives of this Consulate.

In witness whereof I have hereunto subscribed my name and affixed the consular seal of the office of Her Britannic Majesty's Consulate at Callao, this sixth day of March in the year of our Lord one thousand eight hundred and sixty-three.

(L.S.) (Signed) JOHN BARTON,

Her Britannic Majesty's Consul.

Inclosure 4 in No. 13.

Mr. Jerningham to Consul Barton.

Lima, March 7, 1863.

I HAVE the honour to acknowledge the receipt of your despatch of 6th instant, transmitting certified copy of a voluntary declaration made and registered at Her

Majesty's Consulate at Callao, by Harry Mass, a native of Holland, late carpenter on board the Peruvian barque "Theresa," relative to the manner in which certain natives of Easter Island were detained on board that vessel and brought to Callao.

In reading the declaration of Mass I find that he states that the two hundred persons, including men, women, and children, who swam on board the "Theresa," or who were brought on board from shore and there detained against their will, were from Easter Island, whereas in Mr. Robertson's despatch to me of the 24th of February last, reporting the arrival of the "Theresa" at Callao, on the 21st of that month, he states that she had come from the Island of Independencia.

This appears a discrepancy which I wish may be investigated.

Mr. Robertson's report after his going on board of the "Theresa" mentions that he could obtain no further information excepting that the supercargo assured him that the Polynesians came of their own free will; and that their number was two hundred and three. This confirms the statement of Harry Mass as to the number more or less, there being only a difference of three; but Independencia and Easter Island (Isla de Pascoa), cannot surely be the same, and therefore I must beg of you to have the kindness to look into this for the sake of rectification.

It also appears to me that when it was known what kind of statement Harry Mass, a native of Holland, had to make; that he ought to have been directed to go and make it to the Peruvian authorities at Callao. Of course, any one can come and make a voluntary declaration before Her Majesty's Consul; but this being evidence against the navigators of the Peruvian vessel "Theresa," it appertained more directly to the Peruvian authorities to receive it, and of course to act upon it, as their late excellent decrees ordain.

I have, &c.
(Signed) WM. STAFFORD JERNINGHAM.

No. 14.

Mr. Jerningham to Earl Russell.—(Received May 13.)

(Extract.)

Lima, April 12, 1863.

I SUBJOIN copy of a despatch from Her Majesty's Vice-Consul at Callao, stating that, on the 1st instant, the Peruvian barque, "Carolina," arrived at Callao from the Island of Baijee, bringing 72 male colonists and one female.

From what I hear, independent of the irregularities and abuses which are asserted to have occurred in procuring many of the Polynesians, the advent of these colonists to Peru has been anything but a useful speculation.

A great many of these poor people, I am told, die of nostalgia and other diseases; others want work; many also live on raw plaintains, and fish, when they can obtain it, but decline the diet of cooked meat.

Even care does not appear to succeed in preserving these inhabitants of the Pacific Islands any length of time in Peru, for I have been informed that a gentleman here, who had a lot of these people on his premises in the country of whom he took great care, has lost all but two.

Inclosure in No. 14.

Acting Consul Robertson to Mr. Jerningham.

Sir,

Callao, April 3, 1863.

I HAVE the honour to report that on the 1st instant the Peruvian barque, "Carolina," arrived in port from the Island of Baijee, bringing 72 male colonists and one female.

I should mention that this report is taken from the Book of Entries and Sailings, kept at the office of the captain of the port.

I have, &c.
(Signed) E. W. ROBERTSON.

No. 15.

*Mr. Jerningham to Earl Russell.—(Received May 20.)*My Lord, *Lima, April 23, 1863.*

I HAVE the honour to forward to your Lordship copy of a despatch from Rear-Admiral Kingcome, Commander-in-Chief of Her Britannic Majesty's Forces in the Pacific forwarding two letters from the officer in command of the "Naiad" naval store ship at Callao, reporting that several vessels had arrived at that port with cargoes of natives from the islands of the South Pacific; and that as there seemed to be strong suspicions that these people were inveigled on board and sold in Peru, he brought the matter under my notice with a view to making such representations to the Peruvian Government as I might deem necessary.

The lists of vessels which are mentioned in Captain Reid's letters to the Admiral comprise those which arrived between the 17th January and 9th of March inclusive, most of which have been already reported to me by Her Britannic Majesty's Vice-Consul at Callao, and by me to your Lordship.

I beg also to inclose copy of my reply to Rear-Admiral Kingcome's communication, in which I inform him that the Polynesian emigration had greatly merited my attention since my arrival on the 2nd of January last, that I had written several despatches to your Lordship on the subject, that I had followed the instructions I had brought out with me regarding this matter, and awaited further orders from Her Majesty's Government. Besides, I also informed him that I had warned the Peruvian Minister for Foreign Affairs against abstracting any Islanders illegally from places under British jurisdiction or protection.

I have, &c.

(Signed) WM. STAFFORD JERNINGHAM.

Inclosure 1 in No. 15.

*Rear-Admiral Kingcome to Mr. Jerningham.*Sir, *"Sutlej," at Valparaiso, March 31, 1863.*

I INCLOSE herewith copies of two letters from the officer in command of the "Naiad," at Callao, reporting that several vessels had lately arrived at that port with cargoes of natives from the islands in the South Pacific, and as there seems to be strong suspicions entertained that these poor people (who are without any established form of Government to legalise contracts such as are made in China for the exportation of coolies), have been inveigled on board and sold in Peru, I have the honour to bring the matter under your notice with a view to your making such representations to the Peruvian Government as you may deem necessary, in order to ensure due and proper protection to those islanders.

I have, &c.

(Signed) JOHN KINGCOME.

Inclosure 2 in No. 15.

*Master-Commander Reid to Rear-Admiral Kingcome.*Sir, *"Naiad," Callao, February 18, 1863.*

I HAVE the honour to forward for your information a list of vessels engaged between the 17th January and 17th February, 1863, in conveying natives under the name of "colonists," from the South Sea Islands to this port, to be employed as labourers and servants.

I have, &c.

(Signed) G. REID.

Inclosure 3 in No. 15.

List of vessels engaged in carrying Natives of the South Sea Islands between the 17th January and the 17th February, 1863.

ARRIVED.—January 17th, 1863. Chilian barque "Eliza Mason," Captain Jararqui, of 238 tons, from Easter Island, South Pacific, in 27 days, bringing 140 men, 86 women, and 12 children.

January 25th, 1863. Peruvian barque "Carolina," Captain Sebastian Morales, of 150 tons, from the Island of Oroa, with 122 natives.—Peruvian schooner "Hermosa Dolores," Captain Geary, of 100 tons, with 162 natives.

February 1st. Peruvian barque "Rosalia," Captain Bolo, of 270 tons, with 196 natives, of whom 27 are women and 10 children.

SAILED.—February 5th, 1863. Peruvian barque "Carolina, Captain S. Morales, of 150 tons, in ballast for the islands to bring colonists.

(Signed) G. REID,
Master Commander, Her Majesty's Ship "Naiad."

Inclosure 4 in No. 15.

Master-Commander Reid to Rear-Admiral Kingcome.

Sir, "Naiad," Callao, March 20, 1863.

I HAVE the honour to inform you two more vessels have arrived at this port with natives from the South Sea Islands, viz. :—

February 21st. Peruvian barque "Teresa," of 212 tons, Captain Munoz, from the Island of Independencia, with 203 natives.

March 9th. Peruvian schooner "Jeoncora," of 98 tons, Captain Perry, from Easter Island, with 43 natives, of whom 24 are women.

I have, &c.
(Signed) G. REID.

Inclosure 5 in No. 15.

Mr. Jerningham to Rear-Admiral Kingcome.

Sir, Lima, April 16, 1863.

I BEG to have the honour to acknowledge the receipt of your communication dated Valparaiso, 31st March, 1863, in which you forward to me copies of two letters which you had received from the officer in command of the "Naiad," at Callao, reporting the arrival of several vessels with cargoes of natives from the islands of the South Pacific, and in which you state that, as there seem to be strong suspicions entertained that these poor people have been inveigled and sold in Peru, you have brought the matter under my notice with a view to making such representations to the Peruvian Government as I may deem necessary.

In answer to this I beg to state that since my arrival on the 2nd of January last, the importation of these Polynesians from the South Pacific has greatly merited my attention, and that I have written several despatches to Her Majesty's Secretary of State for Foreign Affairs upon it, and am awaiting his Lordship's further orders and instructions on the subject of the Polynesian colonization in Peru.

The instructions which I have brought out with me on this affair I have followed; and I have also made verbally a communication to the late Minister for Foreign Affairs of Peru, on my own responsibility, warning his Excellency against the abstraction of any of these islanders illegally from the places under British jurisdiction or protection.

The activity of the French authorities in the Tahiti group appears to have already

checked these Polynesian speculations ; and besides, these people do not thrive in Peru ; they die, and won't work even in spite of care and fair treatment ; so in all probability there will now be an end of it, and very properly.

I have, &c.

(Signed) WM. STAFFORD JERNINGHAM.

No. 16.

Mr. Jerningham to Earl Russell.—(Received May 29.)

(Extract.)

Lima, April 28, 1863.

I BEG to forward to your Lordship copy of a despatch from Her Majesty's Acting Consul in Callao, Mr. Robertson, stating that a vessel under Peruvian colours had arrived in Callao on the 18th instant, bringing 63 colonists from the Island of Oparo, 8 of whom are females ; this vessel, he states, is said to have been chartered by foreigners residing in Lima and Callao, and reported to be owned by a gentleman holding an official situation, but I do not see by Mr. Robertson's letter that he figures as participating in the enterprise. He may have hired out his ship to others.

On the 20th another vessel under Peruvian colours arrived in port from the Island of Pascoa, bringing 21 colonists including 3 women.

By this it appears that the numbers that arrive are decreasing, and most probably the attitude which the French have assumed regarding these speculations will, with the failure of the islanders making suitable colonists, to all appearances cause an end to this traffic which in many cases, it is to be feared, may have been attended with deceit and illegal proceedings.

Since writing the above I have received a letter from Her Majesty's Consul at Tahiti, copy of which I inclose, by which your Lordship will learn what has been the conduct of the captain and doctor of the "Empresa," in obtaining illegally Polynesian colonists, as is shown by the depositions of Henry James Nichols, George Black Duniam, and Henry William Carr, made before the Resident des Marquises.

The British Admiral Kingcome, Commander-in-Chief of Her Majesty's Naval Forces in the Pacific has received an identical communication from Mr. Consul Miller.

I shall consult with the Admiral about making a representation to the Peruvian Government on the matter, especially as Mr. Duniam, the agent of the "Empresa," who recommended legal means being employed to obtain colonists, was ill-treated by the captain and the doctor, and put on shore bound hand and foot, is a British subject.

The French Chargé d'Affaires tells me he is going to take up the matter very seriously, as the outrage occurred, I believe, within the dependencies of the French Government.

The British Admiral says that he means to send a ship to visit the Polynesian Groups.

This will be one of the best means for preventing future scandals.

Inclosure 1 in No. 16.

Acting Consul Robertson to Mr. Jerningham.

(Extract.)

Callao, April 21, 1863.

I HAVE the honour to inform you that on the 18th instant the "Empresa," a vessel under Peruvian colours, arrived in this port with sixty-three colonists from the Island of Oparo, of these eight are females. This vessel put into Huacho for provisions ; I believe there were not any colonists landed there ; this vessel is said to have been chartered by foreigners residing in Lima and Callao, and to be owned by a gentleman holding an official position.

Yesterday another vessel, the "José Castro," also under the flag of this republic, arrived in port from the Island of Pascoa, bringing twenty-one colonists, including three women.

Inclosure 2 in No. 16.

Consul Miller to Mr. Jerningham.

Sir,

Papeete, Tahiti, March 3, 1863.

WITH reference to the letters which I did myself the honour of addressing to you on the 1st and 15th of December last, covering papers upon the subject of the serious abuses that were being committed in these seas by certain ships engaged in collecting South Sea Islanders for conveyance to Peru as labourers.

I have now the honour to transmit to you two numbers of the official newspaper, "Messager de Taiti," containing further particulars showing the fraud and violence which are resorted to in the prosecution of the traffic in question.

You will find in the within papers detailed evidence of the systematic kidnapping of natives, lately practised at the French possessions of the Marquesas Islands by a Peruvian ship called the "Empresa," which succeeded in treacherously securing and making off with about 26 of the natives.

Other important particulars will be found in the inclosed papers relative to a piratical outrage that was perpetrated in the month of December last by no less than eight vessels (seven Peruvian and one Spanish), assembled together at Easter Island, a solitary and unfrequented spot, about midway between Tahiti and Valparaiso.

It appears that the masters of the vessels last alluded to, finding that the Easter Islanders would no longer go off to their ships, resolved upon a combined expedition for the purpose of seizing them on shore. Their crews, to the number of about 80 men, were in consequence armed and landed, and by surprise and force succeeded, it seems, in capturing and carrying off nearly 200 of the natives, who were afterwards shared out amongst the different ships in proportion to the number of men that had been furnished by each towards the expedition.

Several of the islanders are stated to have been killed in the course of this buccaneering assault upon them.

The greater part of the islanders that were captured were shipped on board one of the vessels present, which was despatched with them to Peru, there it is said to be sold on account of their captors.

The intelligence of these lawless proceedings at Easter Island was brought to this port about a fortnight ago by the Peruvian brigantine "Cora," one of the eight vessels engaged in the transaction. From Easter Island the "Cora" had proceeded to the Island of Rapa, or Oparo, about ten degrees to the south of Tahiti, and there she was seized by the natives and then sent hither, under the circumstances also described in the printed papers inclosed.

I understand that the "Cora" is likely to be kept at Tahiti until instructions shall have been obtained from the French Government upon the case, neither Rapa nor Easter Island being under French protection.

I furthermore learn that the Imperial Commissioner at this place is about to send to the French Chargé d'Affaires at Lima, not only the documentary evidence of the abductions effected by Peruvian ships at the French possession of the Marquesas, but likewise some of the witnesses, and also a Marquesan interpreter, with a view I believe to demanding from the Peruvian Government (under whose licences this so-called emigration is carried forward) the restitution of the kidnapped natives, as well as the repression of such piratical aggressions upon French territories.

Two other Peruvian ships, besides the "Cora," remain meanwhile under detention at this port, namely,

The "Serpiente Marina," charged with having unduly attempted to procure natives from the Gambier Islands (under French protection).

And the "Mercedes de Wholey," seized in the act of illegally carrying off 151 natives of the Paumotu Islands, which are dependencies of Tahiti.

The trial of the latter vessel will take place before the local tribunals in a few days and I shall deem it my duty in due course to inform you of the results as well as of the decision which may be come to with respect to the "Serpiente Marina."

In conclusion, I beg leave to add that by the present mail I transmit copies of the inclosed printed papers to Earl Russell.

I have, &c.

(Signed) G. C. MILLER.

No. 17.

Mr. Jerningham to Earl Russell.—(Received June 13.)

My Lord,

Lima, May 12, 1863.

IN my despatch of the 28th ultimo by last mail, in which I forwarded to your Lordship copy of the "Messenger de Taiti," I mentioned that I would consult with the Admiral with regard to making a representation to the Peruvian Government on the subject of the Polynesian traffic, especially as a British subject, named G. Black Duniam, had been ill-treated upon the Peruvian vessel "Empresa," by the captain and doctor; however, as I learnt from the French Chargé d'Affaires, that the captain and doctor might escape, I thought it best to lose no time, and I consequently addressed a note to the Peruvian Minister for Foreign Affairs, copy of which I have now the honour to inclose, requesting the Peruvian Government to cause a strict investigation to be made in the matter in which a British subject had been such a sufferer, and that all the legal means in their power should be employed to bring the offenders to justice.

I also inclosed for the information of his Excellency copies of the "Tahiti Messenger," in which amongst other abuses, there was mentioned a most piratical act, reported to have been committed by some of the crews of seven vessels under Peruvian colours at Easter Island, said to have been commanded by the captain of the "Rosa and Carmen," who is stated to be about to arrive at Huacho and Callao, I deemed it right to represent to his Excellency, that Her Majesty's Government, known throughout the whole world for their detestation of every thing in the shape of slavery, were convinced that the Peruvian Government, who had abolished it throughout Peru, would not tolerate such aggressions under her flag, as those said to have occurred at Easter Island, that they would use their earnest endeavours to examine into this affair, punish the guilty and devise such precautions as to render such things for the future impossible.

On the 1st of May instant, I received an answer from Señor Ribeyro, copy of which is also inclosed, and which appears satisfactory. He adds that the Peruvian Government have abolished entirely this traffic, and that with respect to the vessels which are now on their way, they have ordered them, the moment they arrive, to be placed in absolute incommunication, so that they may be subjected to a severe examination.

With regard to the "Empresa," orders have been given to place her in incommunication, and to apprehend the captain and the doctor, and that on the arrival of the "Rosa and Carmen," at Huacho, measures with respect to her should also be taken.

The French Chargé d'Affaires, who has taken the chief part in all the attempts to put an end to these Polynesian abuses, as most of them have been committed at, and on natives of islands under the Protectorate of France, has exerted himself principally in getting the Government to act as they have now done, and to his activity and decision much praise is due.

Messrs. Duniam and Carr have arrived at Lima, and have commenced their prosecution.

The captain of the "Empresa," a Frenchman, has just been arrested, but the doctor has not yet been secured.

I have given to the Admiral copies of my note, and of that which I received from Señor Ribeyro. He has informed me that he has ordered a ship, I think, the "Tribune," to make a voyage to the Polynesian Groups; but I believe she is to come to Callao before proceeding to the islands.

I have, &c.
(Signed) WM. STAFFORD JERNINGHAM.

Inclosure 1 in No. 17.

Mr. Jerningham to Señor Ribeyro.

Lima, April 30, 1863.

THE Undersigned, &c., has the honour to forward to the Peruvian Minister for Foreign Affairs, copies of the "Messenger de Tahiti" of the 21st and 28th of February last,

which he has lately received from Her Britannic Majesty's Consul at Tahiti, in which his Excellency will perceive, by the declaration of George Black Duniam, a British subject, what was the ill-treatment which that person, together with Mr. Carr, experienced on board the Peruvian ship "Empresa," engaged in the Polynesian emigration business.

As this vessel has arrived in the port of Callao, and as the conduct of the captain and the doctor appears, from the above-mentioned declaration, highly criminal with regard to Duniam and Carr, besides the illegal means which they appear to have employed for obtaining colonists, which must be condemned by every humane and liberal-minded Government; the undersigned begs to call his Excellency's attention to these affairs, requesting of the Peruvian Government a strict investigation into the matter, in which a British subject has been such a sufferer, and that all the legal means in their power should be employed to bring the offenders to justice.

There is also mention made in the same journal of the 28th February, of a most piratical act committed by some of the crews of the seven vessels under Peruvian colours at Easter Island; they were said to be commanded by the captain of the "Rosa and Carmen," which vessel it is reported is shortly expected at Huacho, on her way to Callao.

In bringing this outrage, as reported in the "Messenger," to the notice of the Peruvian Government, the undersigned begs to state that Her Majesty's Government, who are known all over the world for their detestation of every thing in the shape of slavery, are convinced that the Peruvian Government, who proclaim the most philanthropic principles, and have abolished slavery throughout the whole of Peru, will not tolerate such aggressions under her flag, as that reported to have taken place at Easter Island, and that they will use their most earnest endeavours to examine into the matter, punish the guilty, and devise such precautions as to render such things impossible for the future.

The undersigned begs that the two newspapers above mentioned may be later returned to him.

I have, &c.

(Signed) WM. STAFFORD JERNINGHAM.

Inclosure 2 in No. 17.

Señor Ribeyro to Mr. Jerningham.

(Translation.)

Lima, May 1, 1863.

I HAVE just received the note which, under date of yesterday, you have done me the honour to address to me, regarding the ill-treatment which it is stated the British subjects, Duniam and Carr, have suffered on board of the "Empresa," and the irregularities committed in the contracts of the Polynesians. Your Honour adds that the "Rosa and Carmen" would soon arrive at Huacho and Callao, and that you hope proceedings will be taken to examine into the facts, to punish those who may be found culpable, and to adopt measures that will make impossible for the future a repetition of those abuses.

The Government, of their own accord, convinced that the introduction of Polynesians is of little advantage to the country, and that it is subject to many objections, have abolished entirely that traffic, and regarding the vessels which are now on the road, have ordered that the moment they arrive they be placed in absolute incommunication, so that they may be subjected to a severe examination.

Respecting the "Empresa," it has been ordered since the 29th ultimo, that she be placed in incommunication, and that the captain, the doctor, and the whole crew be subjected to trial, the most efficacious orders having been given for the apprehension of the accused, the prompt examination of the facts, and the exemplary punishment of those who may be found guilty.

Besides the measures that have been indicated, I have just passed to the Commandant-General of Marine, copy of your note, so that its contents may be taken into consideration, and that immediately on the arrival of the vessel you indicate at Huacho, the measures recorded respecting her may be taken.

According to the desires manifested by you, I return the numbers of the "Messenger" of Tahiti.

(Signed) JUAN ANTO. RIBEYRO.

Mr. Jerningham to Earl Russell.—(Received June 28.)

(Extract.)

Lima, May 29, 1863.

DURING a conversation which I had some days ago with M. Lesseps, the French Chargé d'Affaires, when referring to the question of the Polynesian emigration abuses, he stated that he thought that in the face of such occurrences it was highly advisable that the diplomatic body should meet and announce publicly their opinion upon the inhuman conduct of some of the parties concerned in this traffic.

I coincided with his opinion, and I intimated that I conceived it would be also advisable to make the meeting as general as possible, and invite the heads of the Consular body in Lima, as well as those of diplomatic rank.

M. Lesseps, M. Eldredge, the Hawaiian Chargé d'Affaires, and myself went to Mr. Robinson, the United States' Minister, who is doyen of the Diplomatic Body in Lima, and consulted him upon the subject of the meeting. However, Mr. Robinson did not see the exact necessity of it, and said that he had already communicated his views on the matter to the Peruvian Government; that he imagined, that if each nation did the same separately, it would have the effect desired, and that a meeting for the purpose of announcing a general opinion was, it appeared to him, a work of supererogation.

Besides he informed us that the occupations which took up his time for the approaching mail would prevent him from being able to attend personally at any meeting for the above purpose; yet, however, if such took place, and something was decided on which he could sign, he would have no objection to append his signature.

It was afterwards decided that the meeting of the Diplomatic and Consular Bodies should take place in the house of Senor Canevaro, the Italian Consul-General, who had agreed to its taking place at his residence, at which M. Eldredge, the Hawaiian Chargé d'Affaires, who is next in point of precedency to the doyen, Mr. Robinson, explained to the gentlemen present the nature of what it was desirable to express in a collective document.

A good deal of discussion took place; but after three or four "seances" they finally came to a decision upon the matter, and a document was signed (Mr. Robinson's signature was procured also), a copy and translation of which I now beg to forward to your Lordship.

M. Lembake, the Swedish Consul-General, declined to take any part in the proceedings.

The disapprobation of the abuses which have occurred in carrying out the Polynesian emigration by some unprincipled individuals is embodied in this collective procès-verbal, and at the same time satisfaction is expressed at what the Peruvian Government are now doing in the investigation, which they have inaugurated for the sake of punishing the guilty.

The Chargé d'Affaires of France and the Chargé d'Affaires of the United States of Columbia were deputed to present the above to his Excellency the Minister for Foreign Affairs of Peru, who received it with politeness, and gave an answer, copy and translation of which is hereto affixed.

M. Lesseps has been extremely active in the questions which he has had with the Peruvian Government regarding the Polynesians under French protection.

He has sent a lot of these people to the hospital in Lima, where I believe many have died, and he has exercised much charity in succouring those that were on board a vessel in the port of Callao, where, as they could not be disposed of, nobody now being desirous of taking Polynesians, they were suffering from want of clothes and possibly from bad living.

None of these being British subjects I do not see how far I am authorized in interfering, except by moral reprobation of acts evidently inhuman in their consequences, and which ought to be properly punished by those to whom it legally pertains to inflict the deserved castigation.

I beg to inclose to your Lordship a copy of Mr. Acting Consul Robertson's letter to me of the 15th instant, respecting Canacas which have been landed at Huacho by the "Empresa," and which had sought the protection of the French flag.

Some English sailors appear to be among the crew of the "Empresa," who have been arrested and are in prison; as they embarked willingly on board a vessel under a foreign

flag, they must undergo their trial with the rest of the crew.

I shall instruct Mr. Robertson to see that they are treated justly.

Inclosure 1 in No. 18.

Declaration of the Diplomatic and Consular Bodies at Lima.

(Translation.)

THE Diplomatic and Consular Corps resident in Lima met on the 13th of May, 1863, in this city, and declared :

1. That the Diplomatic and Consular Corps deplore as deeply as the Government of Peru, the horrible abuses committed in the Polynesian Islands by expeditions that tried to obtain labourers, in violation of the laws and of the licences given to bring those labourers to this Republic.

2. That they are happy to express their satisfaction at the suitable measures taken by the Government of Peru to prohibit said traffic, carried on in violation of the laws and of the licences conceded.

3. That they are also happy to assure their respective Governments, that the measures taken by the Government of Peru have supported morality, justice, and humanity.

In continuation, they decided that this act be copied in the records of the diplomatic corps, and that after being signed, a copy be presented to his Excellency the Minister of Foreign Affairs and President of the Council of Peru, by the *Chargés d'Affaires* and *Consul-General* of France and the United States of Columbia ; every member of said corps, moreover, sending a copy to his own Government.

(Signed)

CHRISTOPHER ROBINSON, *Envoy Extraordinary and Minister Plenipotentiary of the United States of America.*

THOMAS ELDREDGE, *Chargé d'Affaires and Consul-General of Hawaii.*

EDMUND P. DE LESSEPS, *Chargé d'Affaires and Consul-General of France.*

WILLIAM STAFFORD JERNINGHAM, *Chargé d'Affaires and Consul-General of Great Britain.*

JUAN DUARTE DA PONTE RIBEYRO, *Chargé d'Affaires of Brazil.*

PROSPERO PEREIRA GAMBA, *Chargé d'Affaires and Consul-General of the United States of Columbia.*

CELEDONIO URREA, *Chargé d'Affaires of Ecuador.*

J. CANEVARO, *Consul-General of Italy.*

W. BRAUNS, *Consul-General of Hamburg.*

G. ESCARDO, *Consul-General of the Argentine Confederation.*

A. EVARISTO DE ORNELLAS, *Consul-General of Portugal.*

J. GILDEMEISTER, *Consul-General of Bremen.*

A. GREULICH, *Consul of Frankfort.*

TH. MULLER, *Consul of Prussia and Hanover.*

F. OYAGUE, *Consul of Venezuela.*

Inclosure 2 in No. 18.

Señor Ribeyro to Mr. Robinson.

(Translation.)

Lima, May 22, 1863.

THE Undersigned, Minister of Foreign Affairs of Peru, has the honour to address the diplomatic and consular corps residing in this city through the medium of his Excellency the Minister Plenipotentiary of the United States of America, in order to express to them, in the name of his Government, the sentiments of gratitude for the declaration made by them, acknowledging the benevolent disposition of this Cabinet to prevent, in conformity with the precepts of right and justice, the unfortunate events that have happened through the introduction of labourers from Polynesia.

Peru and its present administration have deeply deplored these abuses committed on the introduction of the Polynesians, which introduction was permitted with the intention to work our fields and to improve the condition of those unhappy beings by the blessings of civilization; and their grief was augmented seeing that some men under the shelter of licences legally conceded for lawful purposes, exposed the dignity and honour of the country.

The Government has fulfilled its duties, ordering judicial inquiries to be made into these offences, and prohibiting henceforward an immigration that has proved to be insufficient for the improvements intended for the national agriculture. It will not cease to take measures which, respecting at the same time all rights legally acquired, shall satisfy the laws of humanity, the prescriptions of social morality, and the respectability of the Peruvian nation.

Your Excellency will be pleased to acquaint both corps with this communication, as a proof of reciprocity and esteem.

I have, &c.

(Signed) J. E. RIBEYRO.

Inclosure 3 in No. 18.

Acting Consul Robertson to Mr. Jerningham.

Sir,

Callao, May 15, 1863.

IN continuation of the subject of the despatch I had the honour to address to you on the 21st ultimo, I have now to report that the supposition I entertained that the "Empresa" had not landed any Canacas at Huacho turns out to be erroneous, as by the steamer "Inca," which arrived here from Huacho on the 13th instant, several Canacas, who had been brought from different islands of the Polynesian Group in that vessel, came to this port solely to place themselves under the protection of the French flag; they consist of both sexes, and from their statement there appears to be little or no doubt that they have been kidnapped; since their arrival here they have been kindly and well taken care of by M. des Noyers, the French Consul, who has temporarily provided the men with an asylum on board the "Galathée," and the women were sent to Lima to-day to be placed under the charge of the *Sœurs de Charité*.

In a private note which I have this day received from M. des Noyers, he informs me that "when the 'Empresa' visited the Island Wapoa (Mankwa) she had the British flag flying," this fact is sworn to by the Canacas. Four seamen, who declared themselves to be British subjects, William Cole, John McKenzie, Laurence Silva, and Robert Walker are now detained in custody, accused as accomplices in the kidnapping of these Polynesians. They have applied to me to use my influence with the authorities to procure their release, but whether innocent or guilty as far as the kidnapping is concerned, they are no doubt subject to the same trial, as they willingly shipped in a vessel under a foreign flag, and must have been aware or could have ascertained the nature, of the intended voyage. For these reasons, and also that the ends of justice may not be interfered with, I have declined to recognize their appeal, and shall continue to do so unless I receive your orders to the contrary.

In conclusion, I should add that there are other Canacas who were left behind in Huacho by the "Empresa," are expected here to place themselves under French protection.

I have, &c.

(Signed) E. W. ROBERTSON.

Mr. Jerningham to Earl Russell.—(Received July 15.)

My Lord,

Lima, June 12, 1863.

I BEG to have the honour to forward to your Lordship copy and translation of a note from the President of the Council and Minister for Foreign Affairs, Señor Ribeyro, addressed to the Minister of the Home Department, General Freyre, which has appeared in the official journal "El Peruano," stating that the Peruvian Government would fulfil a duty to humanity and adopt a measure of prudence if they signified through the Prefectures to those Polynesians in Peru who are in complete independence, and to the masters who are willing to release those in their service without compensation, that those emigrants upon presenting themselves would be conveyed back to their country in one of the vessels of the State, and requesting his Excellency to consult with the Vice-President respecting this proposition, as also as to the means of carrying it into effect, calculated as it is, in his opinion, to produce very salutary results.

I also inclose General Freyre's answer, intimating that he had taken the orders of his Excellency the Vice-President, charged with the Executive Power, who had been pleased to direct that orders should be given for carrying out the proposition of Señor Ribeyro, and that a vessel commodious and safe should be got ready for the object above-mentioned.

I also subjoin copy of a communication which I have received from Her Majesty's Consul at Callao, informing me that the French corvette "Diamant," had arrived there from Chancay, whither she had proceeded for the purpose of collecting such Canacas as might be there, or in the neighbourhood, who might be found willing to be conveyed hither, as he states, to be placed under the immediate protection of the French authorities; and it would appear that 34 have arrived, including females; two died during the short voyage, and 15 are in a bad state of health, some not being expected to survive over a few days. He says the state some of these unfortunates were found in was repugnant in the extreme, some of them presenting the mere appearance of skeletons.

Such of these Canacas as are healthy, brought by the French war vessel "Diamant," have been placed on board the French store ship, and the sick have been forwarded to the hospital.

Mr. Robertson adds that a Peruvian vessel, the "Barbara Gomez," had arrived in Callao from the Island of Pasqua (Easter Island), with 23 natives on board, and that she had been placed "incomunicado," in quarantine, by the Peruvian authorities.

M. Lesseps has, I believe, caused application to be made to the local authorities for persons under his orders to go on board to see whether these Polynesians have been brought hither in a rightful way; but the answer received was to the effect that the vessel being placed "incomunicado," the decision of the Peruvian Government must be taken respecting her, or something to that effect.

M. Lesseps informs me that he proceeded himself in the "Diamant" to Ancón, on its trip to Chancay, when the Government Commission, attended by a French delegate, went ashore to search for such Polynesians as might be in those parts, and for whom they went expressly, to convey to Lima, and he assures me that many were found in a most deplorable state and excited great commiseration.

He says the police behaved very well, and 34 were taken away from those parts.

He tells me he has now addressed a note to the Government, requesting that all the Polynesians, under French protection I suppose, who have been imported should be directly given up for the purpose of sending those who have survived, and are able to go, back to their own country.

It is probable now that there will be no more expeditions for bringing Polynesians to Peru; the experiment has failed; abuses have been committed by some individuals in procuring them, and it is to be feared, when it had been found out that they would not work and were men of no use from the state of despondency they were in, that they have been left to eke out their miserable existence; if not, why should so many of them have been found in the dreadful state described above?

I have, &c.

(Signed) WM. STAFFORD JERNINGHAM.

Inclosure 1 in No. 19.

Señor Ribeyro to General Freyre.

(Translation.)

Lima, May 26, 1863.

YOU are, no doubt, aware that the immigration of Polynesians has been so little advantageous to the country, that many of these unfortunates perish miserably, and others are of so little use to their masters, that, according to report, some of them prefer to discharge them without any compensation whatever.

I believe, therefore, that the Government would fulfil a duty of humanity, would adopt a measure of prudence, and would be consistent with the conduct they have observed in this delicate matter, if they invited, through the Prefecture, the Polynesians who are in complete independence, and the masters who may be willing to voluntarily release them without compensation, so that the said emigrants may present themselves, and be conveyed to their country on board one of the vessels of the national navy.

You, Sir, will be pleased to resolve with his Excellency the Vice-President upon this proposition, which in my opinion is calculated to produce very salutary results, and at the same time upon the means of carrying it into effect.

God preserve, &c.

(Signed) JUAN ANTONIO RIBEYRO.

Inclosure 2 in No. 19.

General Freyre to Señor Ribeyro.

(Translation.)

Lima, May 28, 1863.

THE measure which you, Sir, have been pleased to indicate to me in your despatch of the 26th instant, regarding the Polynesian colonists, being so prudent, as well as humane, his Excellency the second Vice-President of the Republic, charged with the Executive Power, has been pleased to direct that through my office, the necessary orders be given, so that by the means of the local authorities, the colonists who are in complete independence, and the masters who may wish to release these emigrants voluntarily and without any compensation whatever, may be invited to present themselves to the said authorities, so that the Government may restore them to the country from whence they came, on board of one of the vessels of the State, which resolution I have communicated to the Minister of War and Marine, so that he may opportunely cause to be got ready a commodious and safe vessel for the object indicated.

I have the honour to acquaint you, sir, of this for your information, and in reply to your despatch referred to.

God preserve, &c.

(Signed) MANUEL FREYRE.

Inclosure 3 in No. 19.

Acting Consul Robertson to Mr. Jerningham.

Sir, *Callao, June 11, 1863.*

I HAVE the honour to report that the French steam corvette "Diamant," arrived in port yesterday from Chancay, whither she had proceeded for the purpose of collecting such Canacas as might be there or in the neighbourhood found willing to be brought to this port to be placed under the immediate protection of the French authorities; the "Diamant" has brought 34 Canacas, including females and 1 infant, 2 died during the voyage, and 15 have arrived in a bad state of health, some of whom are not expected to survive over a few days; the state that some of these unfortunate beings were found in, was repugnant in the extreme, some of them are mere skeletons.

I have likewise the honour to report the arrival of the Peruvian barque "Barbara Gomez," from Pascua Island, with 23 natives, 14 of whom are females; this vessel is "incomunicado" in quarantine.

I should add that such of the Canacas, brought by the "Diamant," as are healthy, have been sent on board a French store ship, and the sick to hospital.

I have, &c.

(Signed) E. W. ROBERTSON.

No. 20.

Mr. Jerningham to Earl Russell.—(Received August 28.)

My Lord,

Lima, July 12, 1863.

I BEG to have the honour to forward to your Lordship copy of a communication from Her Majesty's Consul at Callao, by which your Lordship will see that three more ships from the Polynesian Islands have arrived with colonists, one under Spanish and the others under Peruvian colours.

The substance of this Report is gathered from the office of the Captain of the Port at Callao.

I have been informed to-day that another vessel, under the Peruvian flag, with I believe 200 Polynesians, arrived at Callao last evening.

I will inquire of the Minister for Foreign Affairs what steps the Peruvian Government mean to adopt, as, according to their own declaration, which I forwarded to your Lordship in my despatch of the 12th May last, they have abolished the Polynesian traffic.

The "Tribune," Captain Lord Gilford, left Callao last week for the Polynesian Islands.

I have, &c.
(Signed) WM. STAFFORD JERNINGHAM.

Inclosure in No. 20.

Acting Consul Robertson to Mr. Jerningham.

Sir,

Callao, July 21, 1863.

I HAVE the honour to report that the Spanish barque "Rosa y Carmen," arrived in this port on the 10th instant from Roul Island; this vessel has brought 128 colonists, amongst whom are 35 females and 15 children; that the Peruvian barque "Urmeneta y Ramos" arrived on the 17th instant from Necua Island with 31 colonists, and that on the 19th instant the "General Prim," also a Peruvian barque, arrived from the Island of Frinatehy with 174 colonists, of this number 73 are females.

The substance of this Report is gathered from the office of the Captain of the Port.

I have, &c.
(Signed) E. W. ROBERTSON.

No. 21.

Earl Russell to Mr. Jerningham.

Sir,

Foreign Office, March 18, 1864.

IN your despatch of the 12th May last you inclosed to me a note from the Peruvian Government, stating that that Government had abolished the system which had been adopted for the introduction into Peru of natives of the Polynesian Islands, and which had given rise to such horrible abuses.

I received this intelligence with satisfaction, and approved of the steps taken by you in carrying out the instructions which you had received from me in this matter.

You will continue to bear the subject in mind, as it is not impossible that, although the system has been abolished, steps may be taken indirectly to carry out the objects contemplated by the parties concerned, thus causing fresh evils and crimes. In such case it will be your duty again to remonstrate on the part of Her Majesty's Government, and I shall be glad to learn that your Diplomatic and Consular colleagues have co-operated in your representations.

I am, &c.
(Signed) RUSSELL

CORRESPONDENCE respecting Removal of Inhabitants of Polynesian Islands to Peru.

*Presented to the House of Lords by Command
of Her Majesty, March 18, 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

ROYAL UNION MERCANTILE COMPANY.

RETURN to an Address of the Honourable The House of Commons,
dated 25 July 1864 ;—for,

“ COPY of the CORRESPONDENCE and PAPERS relating to the CLAIMS of
British Subjects on the Government of *Portugal*, in respect of the ROYAL
UNION MERCANTILE COMPANY.”

(*Mr. Ayrton.*)

Ordered, by The House of Commons, to be Printed,
27 July 1864.

C O N T E N T S.

No.	PAGE.
1.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 26 December 1861 - - -	3
2.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 26 December 1861 - - -	3
3.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 26 December 1861 - - -	4
4.—Letter from Mr. Hammond to Mr. Lindsay, M. P., dated 26 December 1861 - - -	4
5.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 3 February 1862 (with Enclosure) -	4
6.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 6 February 1862 - - -	7
7.—Letter from Mr. Layard, M. P., to Mr. Lindsay, M. P., dated 6 February 1862 - - -	7
8.—Letter from Mr. Lindsay, M. P., to Mr. Layard, M. P., dated 8 April 1862 - - -	7
9.—Letter from Mr. Layard, M. P., to Sir A. C. Magenis, dated 8 April 1862 - - -	8
10.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 15 July 1862 - - -	8
11.—Despatch from the Right Hon. Earl Russell to Mr. Herries, dated 30 July 1862 - - -	9
12.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 6 August 1862 - - -	9
13.—Despatch from the Right Hon. Earl Russell to Mr. Herries, dated 8 August 1862 - - -	10
14.—Despatch from Mr. Herries to the Right Hon. Earl Russell, dated 17 August 1862 - - -	10
15.—Despatch from Mr. Herries to the Right Hon. Earl Russell, dated 1 October 1862 (with Enclosure) -	11
16.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 8 October 1862 - - -	22
17.—Despatch from Sir A. C. Magenis to the Right Hon. Earl Russell, dated 15 October 1862 (with Enclosure)	22
18.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 21 October 1862 (with Enclosures)	23
19.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 28 October 1862 - - -	35
20.—Letter from Mr. Hammond to Mr. Lindsay, M. P., dated 28 October 1862 - - -	35
21.—Despatch from Sir A. C. Magenis to the Right Hon. Earl Russell, dated 3 January 1863 (with Enclosure)	36
22.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 21 January 1863 - - -	61
23.—Despatch from Sir A. C. Magenis to the Right Hon. Earl Russell, dated 28 January 1863 (with Enclosures) - - -	62
24.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 20 February 1863 - - -	71
25.—Despatch from Sir A. C. Magenis to the Right Hon. Earl Russell, dated 28 February 1863 - - -	72
26.—Extract of Despatch from Sir A. C. Magenis to the Right Hon. Earl Russell, dated 9 March 1863 - -	73
27.—Despatch from Sir A. C. Magenis to the Right Hon. Earl Russell, dated 24 March 1863 (with 2 Enclosures) - - -	74
28.—Memorandum by Mr. Lindsay, M. P., on the opinion of the Law Officers to the Portuguese Government, dated 9 April 1863 - - -	96
29.—Despatch from Sir A. C. Magenis to the Right Hon. Earl Russell, dated 24 April 1863 (with Enclosure)	99
30.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 14 May 1863 - - -	101
31.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 19 May 1863 (with 3 Enclosures) -	102
32.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 23 July 1863 - - -	108
33.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 24 July 1863 (with Enclosure) -	109
34.—Letter from Mr. Layard, M. P., to Mr. Lindsay, M. P., dated 29 July 1863 - - -	110
35.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 29 July 1863 - - -	110
36.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 31 July 1863 - - -	110
37.—Letter from Mr. Layard, M. P., to Mr. Lindsay, M. P., dated 5 August 1863 - - -	111
38.—Despatch from Sir A. C. Magenis to the Right Hon. Earl Russell, dated 18 August 1863 (with Enclosure)	111
39.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 2 September 1863 - - -	114
40.—Letter from Mr. Layard, M. P., to Mr. Lindsay, M. P., dated 7 September 1863 - - -	115
41.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 30 September 1863 (with Enclosure)	115
42.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 2 October 1863 - - -	117
43.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 16 June 1864 (with 2 Enclosures) -	117
44.—Despatch from Sir A. C. Magenis to the Right Hon. Earl Russell, dated 18 June 1864 (with Enclosure) -	121
45.—Letter from Mr. Lindsay, M. P., to the Right Hon. Earl Russell, dated 20 July 1864 (with 4 Enclosures) -	122
46.—Letter from Mr. Layard, M. P., to Mr. Lindsay, M. P., dated 11 August 1864 - - -	145
47.—Despatch from the Right Hon. Earl Russell to Sir A. C. Magenis, dated 11 August 1864 - - -	145

COPY of the CORRESPONDENCE and PAPERS relating to the CLAIMS of British Subjects on the Government of *Portugal*, in respect of the ROYAL UNION MERCANTILE COMPANY.

— No. 1. —

COPY of LETTER from Mr. *Lindsay*, M.P., to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, City, 26 December 1861.

THIS is the first time I have had occasion to trouble your Lordship in regard to any matters of my own.

I am a holder of 14,000*l.*, six per cent. debentures, of the Union Mercantile Company of Lisbon. Seven per cent. interest is guaranteed on the stock of this Company by the Portuguese Government, of which also I am a holder, to the extent of 25,000*l.* The published statutes of the company were drawn up and adopted by the Government, and were issued under its authority. On the faith of these, I, as a British subject, became a holder of the stock and debentures. These statutes, so far as I can learn, have been violated by the managing directors and secretary, and the payment of the debentures of the Company has just been repudiated. With the details I will not trouble your Lordship, but the case is a most flagrant one; so much so, that I shall be obliged to dispatch by the steamer of the 6th January one of my partners, Mr. Miles Stringer, to Lisbon to protect my interests. As your Lordship has always been ready to afford protection to the interests of British subjects abroad, may I ask you to grant me a letter of introduction in favour of Mr. Miles Stringer to our Minister at Lisbon. May I further venture to express a hope that your Lordship will be pleased to send a copy of this letter, as soon as may be convenient, to his Excellency Sir Arthur Magenis, and request him to grant whatever assistance the British Embassy can consistently afford, should Mr. Stringer be obliged to apply to the Government of Portugal for redress; and if compelled to adopt legal measures, that he may in the courts of law of Portugal have, as a British subject, the same justice dispensed that he would have in the courts of this country.

I am, &c.

(signed) *W. S. Lindsay.*

The Right Honourable Earl Russell,
Her Majesty's Secretary of State for Foreign Affairs,
&c. &c. &c.

— No. 2. —

(No. 94.)

COPY of DESPATCH from the Right Hon. Earl *Russell* to Sir *A. C. Magenis*.

Sir,

Foreign Office, 26 December 1861.

I ENCLOSE for your information a copy of a letter from Mr. *Lindsay*, M.P., setting forth the views under which he is about to dispatch Mr. Stringer to represent his interests at Lisbon, and requesting that that gentleman may receive your support.

Mr. Stringer will present to you a letter of introduction from this office, and will give you such information as you may require respecting his case. I have to instruct you to afford Mr. Stringer such assistance and support as you can properly render, either with the Portuguese Government, if it is necessary to appeal to it, or as may be required to insure the case being justly disposed of by the tribunals.

I am, &c.

Sir *A. C. Magenis*.

(signed) *Russell.*

— No. 3. —

(Separate.)

COPY of DESPATCH from the Right Hon. Earl *Russell* to Sir *A. C. Magen*s.

Sir,

Foreign Office, 26 December 1861.

THIS letter will be delivered to you by Mr. Stringer, the gentleman referred to in my Despatch of this day's date, in which I have recommended him to your good offices.

Sir *A. C. Magen*s.

I am, &c.
(signed) *Russell*.

— No. 4. —

COPY of LETTER from Mr. *Hammond* to Mr. *Lindsay*, M.P.

Sir,

Foreign Office, 26 December 1861.

WITH reference to your letter of this day's date, I am directed by Lord Russell to state to you that instructions will be sent by the mail of to-morrow to Sir *A. Magen*s, directing him to give Mr. Stringer such assistance as he can properly afford. I am also to enclose a letter of introduction which Lord Russell has addressed to Sir Arthur Magen in Mr. Stringer's favour.

To Mr. *Lindsay*, M.P.

I am, &c.
(signed) *E. Hammond*.

— No. 5. —

COPY of LETTER from Mr. *Lindsay*, M.P., to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, City, 3 February 1862.

MAY I refer your Lordship to my letter to you of the 26th December and your reply of the 27th. Since then I have visited Lisbon, and delivered the letter of introduction you were pleased to give me to Sir Arthur Magen. As I had however no desire to trouble his Excellency unless my claims upon the Government of Portugal were refused, I had, on his introduction, an interview with the Minister of Public Works of that country, and afterwards left with him a letter, of which the enclosed is a translation, drawn up under the direction of one of the most eminent Portuguese lawyers. The letter states the nature of those claims. That the Government of Portugal is responsible there cannot be a doubt. The letters from its Minister, and its contracts with me, are clear. The debentures I hold are preference claims issued under the signature of its Commissioner; and an Act of its Legislature, passed last Session, guarantees 7 per cent. per annum upon the stock of the Company, of which I am a holder of 37,000*l*.

Matters of importance requiring my presence in England, I could only remain in Lisbon a few days, and had not time to receive an official reply to my letter; but I left there Mr. Howe, a member of the English bar, who accompanied me, and who, vested with authority from me, will remain in Portugal to protect my interests.

The case, as you will perceive, is one of a public nature, and as Mr. Howe may require to seek the active intervention of Sir Arthur Magen, may I ask your Lordship to instruct his Excellency to render Mr. Howe the necessary assistance should he be compelled to adopt stringent measures for the recovery of my claims. I hope such measures may not be necessary; but, if so, I feel that I shall not apply to your Lordship in vain when I desire your aid to protect my capital, invested in good faith on the representations and under the guarantees of the Portuguese Government.

I am, &c.
(signed) *W. S. Lindsay*.

The Right Hon. the Earl Russell,
Secretary of State for Foreign Affairs,
&c. &c. &c.

Enclosure in No. 5.

Sir,

Lisbon, 20 January 1862.

IN the course of the months of January, February, and March 1858, I had the honour of receiving several letters from M. Carlos Bento da Silva, at that time Minister of Public Works, and now of Marine, in which his Excellency invited me, on the part of the Portuguese Government, to assist in the formation of the Company called the Union Mercantile, which some merchants in this city, with the concurrence and assistance of the Government, were endeavouring to establish. It was, however, found that they could not do so by capital raised in this country. It was there that the Minister urged upon me, most earnestly, to furnish the steamers necessary to commence the lines for the service between this capital and the colonies of Portugal, which the Government of this country was most anxious to develop. I at last acceded to this request, and placed three steamers at the disposal of the Government and the Company, which was immediately formed on the arrival of the vessels.

The assurance which the Minister, on behalf of the Portuguese Government, gave me, that the undertaking would not only be of great advantage to this country, but would also prove remunerative to the shareholders, so far induced me to place my capital at their disposal, on the condition that it was to be repaid to me by approved credits upon London, whenever the Company was enabled to emit its shares. The directors of the Company not having succeeded in so doing, found themselves unable to discharge the payments. I then came to this capital, and it was then that, on the guarantee of the intervention of the Portuguese Government, and on the representations of the Minister, that I agreed to accept, in payment for the ships I had supplied, one-half of the price in the shares of the Company, and the other half by bills extending over three years, so as to give ample time to the directors to emit its shares. The directors paid the first of these bills as they fell due, but the difficulty of emitting the shares still continuing, they begged me to grant them a longer time for the payment of the remainder. I was thus obliged to visit this capital again in December 1859. Moved by the desire of assisting the Company, and trusting to the guarantee of the Portuguese Government, I agreed to receive in exchange for the unpaid bills then in my possession, amounting to 16,100 £, the debentures of the Company. The debentures are in the usual form; they acknowledge to have received money to that amount, and are payable to bearer. They were to be redeemed in eight years by half yearly payments, and they bear interest at six per cent. per annum. The due payment of them is further covered by a contract bond, signed by the directors, dated the 28th day of the said month and year. The first annual payments were duly made at maturity, as also the interest up to the 30th June last year; but when, in accordance with the stipulations of the above-mentioned contract, I drew two bills for the payment which was to be made on 31st December last, the directors refused to accept, under the extraordinary protest that they had no funds of mine, and were not authorised to make advances.

It was this unexpected and unheard-of proceeding on the part of the directors which obliged me to pay another visit to this capital, at a great sacrifice and loss, as it compelled me to leave important affairs, which required my attention in London.

It must appear to your Excellency inexplicable that the directors should have declared in the protest of the bills, that they would not accept them, because they had no funds of the drawer, who is still a creditor of the Company, of which they are the directors, to the amount of no less than 14,000 £, and who drew the bills in conformity with one of the clauses of the contract alluded to, and who is besides a shareholder in the Company to the extent of 37,000 £.

In this proceeding of the directors I cannot help seeing a premeditated plan to injure me, and perhaps to make me lose the very large capital which I intrusted to the Company at the instance and under the guarantee of the Portuguese Government.

Your Excellency cannot fail to acknowledge that I, as a British subject, was urged by the Portuguese Government to intrust a large capital to the Company, for the purpose of carrying on an undertaking which was represented by the Government to be not merely of great value to this country, but also of advantage to the shareholders.

The Government, by its acts, further insured to me the perfect security or the reimbursement of my capital. I therefore consider myself justified in asking the Government either to compel the Company to pay me the capital which it owes to me, and which the directors refuse to pay in such an inexplicable manner (without which I shall be obliged to suffer the expense and inconvenience of a lawsuit), or to take upon itself the payment of my debt, in which case I shall transfer to the Government my debentures and rights of action against the Company.

The Government, by the 20th clause of the original contract which it made with the founders of the Company, reserved to itself the right of naming a commission to examine the acts of the Company; but this was more expressly and positively established in the third condition of the contract which it executed with the directors on the 5th January 1861, it being therein determined that a Commission of the Government was to watch over all the acts of the Company and the execution of the contract. The Government, therefore, through the intervention of its Commission, ought to have an intimate knowledge of the contracts the directors made with me, and of the debentures which it issued, for each of these debentures are signed by the said Commissioner. It also ought to have a knowledge of the proceedings of the directors, wherein they have failed in the observance

of the contracts made with me. And the Government, which not only guaranteed my capital, but also undertook to watch over and examine the acts of the directors, cannot now refuse the responsibility which I claim from it, seeing that I have been injured by the acts of the directors.

I cannot help laying before your Excellency the studied, but frivolous pretext under which the direction pretends to excuse itself for having refused to pay the debentures issued by the Company. It is now three years since the Company took possession of the steamships I supplied by the wish of the Government. Since then these ships have been in constant use by the Company in the mail service of the Government. The directors now state that these ships were badly built, badly fitted up, and badly equipped, all of which they say compelled the directors to enter into such expensive repairs, in which they spent more than 20 contos!! (6,000 £). Even if such a pretext were not, as it is, unfounded, it could not be conceived that such a claim could authorise the directors to declare that they were unable to pay the debentures because they had no funds of mine in their hands. But to show the utter futility of the pretext, it is enough to state that the direction, before it received the steamers, had them minutely examined in England by competent agents of its own, commissioned expressly for that purpose, whose certificates I hold; and, that after having received them at this port, and used them in the service of the Company, the president, manager, and directors wrote to me numerous letters, now in my possession, thanking me for the good state and quality of the steamers, and urging me to supply them with more vessels of a similar description; and they further declared, by their contracts with me of the 20th December 1858, and 28th December 1859, attested before a notary of this place and the British Consul, that they were in all respects satisfied with the steamships I had supplied, at their own urgent request and at that of the Portuguese Government, in the letters of its Minister, M. Carlos Benta da Silva, now before me.

I have now to call the attention of your Excellency to another matter not less important, viz., the stock of the Company, and the very large interest I hold in it.

It was, as I have already said, on the representation made to me on the part of the Government of his Most Faithful Majesty, and confiding in its guarantee, that I undertook to invest my capital in an undertaking so much required by this country, and agreed to assist in the foundation of the Company by taking shares in payment of one-half of my steamships, to the amount of 37,000 £.

These circumstances should have induced the Government of his Most Faithful Majesty not only to see the entire and most scrupulous observance of the statutes of the Company, because on the vigilance of the Government materially depended the safety of the shareholders; but, above all, the Government ought not (which it has recently done) to have made contracts with the directors, contrary to the express stipulations of the statutes, which, besides being illegal, are prejudicial to the interests of the shareholders, of whom I am by far the largest: and I am sorry to be obliged to inform your Excellency that these contracts, executed between the Government of his Most Faithful Majesty and the directors of the Company, are in flagrant violation of the statutes of the Company, and most injurious to the shareholders.

By the powers conferred in the 3d Article of the statutes upon the directors, it is not understood, and cannot rationally be understood, that the Company can raise loans, especially by mortgage, of the property of the Company. On the contrary, No. 5 of the 18th Article of the statutes distinctly states, and clearly establishes the necessity of the direction convoking a general meeting to authorise such acts.

The convocation of the general meeting, as laid down in Article 35 of the statutes, should be made by advertisements in the principal newspapers of the country where the Company has shareholders, 60 days before such meetings were held. Now, I never heard of the advertisement invoking a general meeting, nor of its assembling, and no such advertisement has ever been published, so that nothing has been done which could in any way authorise the direction to contract with the Government in the manner it did.

Though I am the principal shareholder, and though, according to Article 33 of the statutes, my votes were indispensable (as I hold one for every 12 shares), I was not called upon, nor was I aware of the contracts with the Government till they were concluded. These contracts, and especially the one authorised by the law of the 10th September 1861, have depreciated the value of the shares of the Company in such a manner that my stock has no value in the market.

As, therefore, the Government of his Most Faithful Majesty has contracted with the directors, without the formalities and authorities indispensable for the validity of the contract, it has made itself responsible to the shareholders, whose rights it had entirely overlooked. I am, therefore, obliged to claim from the Government the sum of 37,000 £., the value of the shares I received in payment of the vessels, which, through the representation of the Government, I sold to the Company, and, in exchange, I am ready to deliver up to the Government the above-mentioned shares.

I trust the Government of his Most Faithful Majesty will institute an immediate inquiry into all these matters, and thus acknowledge the justice of my claims, so that I may avoid the necessity of having recourse to the interference of my own country. But if, for some unaccountable reasons, my just claims are not attended to and satisfied, I protest before you for them and for all the losses I may thereby sustain.

In conclusion, I am anxious for your Excellency to clearly understand that though I

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am about to institute legal proceedings against the Company and the directors for the recovery of my debentures, and for the loss I, as a shareholder, have sustained by illegal acts, to which they were parties, my claims against the Government, founded on the original contract and on its guarantee will not be prejudiced by any decision in the proceedings I am about to institute against the Company and its directors.

To the Minister of Public Works and
Commerce, Lisbon.

I am, &c.
(signed) *W. S. Lindsay.*

— No. 6. —

COPY of DESPATCH from the Right Hon. Earl *Russell* to Sir *A. C. Magenis*.

Sir, Foreign Office, 6 February 1862.

I ENCLOSE for your information a copy of a letter from Mr. Lindsay, explaining the nature of the claim which he has lately been engaged in pressing on the attention of the Portuguese Government; and, in accordance with Mr. Lindsay's request, I have to instruct you to give to his agent, Mr. Howe, such assistance as you may consider yourself justified in affording to him in this matter.

3 February.

Sir *A. C. Magenis*.

I am, &c.
(signed) *Russell.*

— No. 7. —

COPY of LETTER from Mr. *Layard*, M.P., to Mr. *Lindsay*, M.P.,

Sir, Foreign Office, 6 February 1862.

I AM directed by Lord Russell to state to you that his Lordship will communicate to Sir *A. Magenis* a copy of your letter of the 3d instant, and will instruct him to give to Mr. Howe, your agent at Lisbon, such assistance as he can properly afford in the matter alluded to in your letter.

Mr. *Lindsay*, M.P.

I am, &c.
(signed) *A. H. Layard.*

— No. 8. —

COPY of LETTER from Mr. *Lindsay*, M.P., to Mr. *Layard*, M.P.

Sir,

I HAVE a telegram to-day from Lisbon, and so far as I can understand the purport of it, it would appear that the Government, either by threats or some other means, will attempt to defeat the course of justice. Now, on the faith of the representations of the Minister of Commerce of Portugal, and under the guarantee of the Government, I invested, and now hold 41,000 *l.* under that guarantee, and by the acts of the Government and others, my property is placed in great jeopardy. What I desire is, that our Minister should assist my representative at Lisbon (Mr. Howe) to obtain justice, and the honest administration of the laws of Portugal; and, further, that our Minister should insist that the Government of Portugal adhere to their agreements with me, and other British subjects, who invested their capital in good faith in an undertaking in the prosperity of which the Government was much interested.

8, Austin Friars, 8 April 1862.

I am, &c.
(signed) *W. S. Lindsay.*

CORRESPONDENCE, &c. RELATIVE TO THE

— No. 9. —

COPY of LETTER from Mr. *Layard*, M.P., to Sir *A. C. Magenis*.

Foreign Office, 8 April 1862.

8 April.
Mr. LAYARD presents his compliments to Sir Arthur Magenis, and begs to enclose a copy of a paper which Mr. Lindsay has placed in Mr. Layard's hands, respecting the course which the Government of Portugal are supposed to be taking with regard to the legal proceedings at Lisbon, in which Mr. Lindsay is concerned.

Sir Arthur Magenis has already learnt from Lord Russell's Despatches, of the 26th of December and of the 6th of February last, the nature and extent of the assistance which Sir Arthur Magenis is authorised to extend to Mr. Lindsay's claim. Mr. Layard has, therefore, only to call Sir Arthur Magenis's attention to the facts now stated by Mr. Lindsay, and to request that he will take such steps in the matter as the facts of the case may justify.

Sir A. C. Magenis.

— No. 10. —

COPY of LETTER from Mr. *Lindsay*, M.P., to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, City, 15 July 1862.

IN the year 1857, the Government of Portugal being anxious to develop the resources of the Portuguese settlements on the western coast of Africa, granted various privileges to a number of merchants at Lisbon, on the condition that they would run lines of steamers between that port and the above settlements. A company was formed by Royal Charter, which bears the name of the Union Mercantile Company. The Government took this Company under its control, and afterwards guaranteed six per cent., which was subsequently increased to seven per cent., on its stock. Neither the Government nor merchants of Portugal appear to have had much knowledge of undertakings of this nature, and considerable difficulty was experienced in the formation of the Company, as neither the steamships required for it, nor the capital required to purchase the ships, by the emission of its shares, were readily obtainable. It was towards the close of 1857 that the undertaking was first brought under my notice; and, in the months of January, February, and March 1858, M. Carlos Bentos da Silva, the then Minister of Public Works, addressed to me various letters on the part of the Government, expressing a wish that I would aid him "to set on foot an undertaking which would prove of so much benefit to the State and to the shareholders." I then visited Lisbon for the first time, and, on the faith of the representations then made to me, I agreed to supply three steamships, with which the operations of the Company were commenced, and in which the Company still carries on its business. In payment for these vessels I consented, for the convenience of the parties interested, to receive a large portion of the purchase-money in shares and in promissory notes, which latter were afterwards converted into debentures, bearing interest at the rate of six per cent. per annum, and subject to an annual reduction of 12 per cent. towards their liquidation. The shares and debentures are the same as those issued for similar undertakings in this country. The Company still carries on its business. It is still supported by the Government of Portugal by means of large advances, and otherwise; in a word, it is practically a Government undertaking. Of its stock I hold at present no less than 37,000 *l.* in shares, and 14,100 *l.* in debentures.

On the latter the reduction of 12 per cent. and the interest were paid up to the 30th December 1861, but since that time I can neither obtain principal nor interest. Every conceivable effort by letters, by personal application, by remonstrance, and by process in the courts of law of Portugal, has been made, but I can obtain no redress, and no valid reason for the non-payment of my dividends.

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I am consequently compelled to appeal to your Lordship to aid me in obtaining justice. If it is not convenient to the Company to repay me the principal, I am agreeable to allow my stock to remain in the undertaking if the interest upon it is paid. In the legal proceedings which I was forced to institute, no reason was even given for the non-payment beyond what is contained in the words "not indebted," and no reason whatever in reply to my numerous applications, except that the Company, 12 months after the steamers I sold were in their possession, alleged that one of these steamers was not so good as they expected her to be, and that the cost of putting that vessel into efficient order was somewhere about 3,000 £., which the Company wish me to pay.

But even if that sum were due from me, your Lordship will at once perceive that it affords no ground for withholding the dividends due upon stock payable to bearer. It is, however, a mere subterfuge; for the Company not only took possession of the ships, but gave to me certificates from their surveyors and inspectors that they were highly satisfied with them, and I have in my possession a deed signed by all the directors, in which they state that the vessels were in an efficient state, and complied with all the conditions agreed upon.

But I must not trouble your Lordship with further details. Suffice it to say I have appealed as yet in vain to the Government of Portugal for redress; and in the courts of that country I have in vain endeavoured to obtain payment of the debentures. But it appears that I cannot obtain even a just execution of their own laws without, I fear, resorting to derogatory means. In fact, I have no course left but now to seek the aid and protection of my own Government, which I trust your Lordship will not hesitate to afford me.

The Right Honourable Earl Russell,
Secretary of State for Foreign Affairs,
&c. &c. &c.

I am, &c.
(signed) W. S. Lindsay.

— No. 11. —

COPY of DESPATCH from the Right Hon. Earl Russell to Mr. Herries.

Sir, Foreign Office, 30 July 1862.

WITH reference to Mr. Layard's Despatch to Sir A. Magenis of the 8th of April last, I transmit to you herewith a copy of a further letter from Mr. Lindsay, soliciting the support of Her Majesty's Government to obtain a just settlement of his claim against the "Union Mercantile Company."

I have to instruct you to examine the statements put forward by Mr. Lindsay, and to report to me thereon, especially as to Mr. Lindsay's statement that the Portuguese Government have repudiated a *bonâ fide* debt owing to him.

To Mr. Herries.

I am, &c.
(signed) Russell.

— No. 12. —

COPY of LETTER from Mr. Lindsay, M.P., to the Right Hon. Earl Russell.

My Lord, 8, Austin Friars, City, 6 August 1862.

I ADDRESSED your Lordship on the 15th ultimo in regard to my claims on the Portuguese Government. I regret to be again obliged to trouble your Lordship on the same subject, for without your aid I see it is impossible to obtain, through the medium of the courts of law of that country or otherwise, any approach to justice. By process in the above courts I did obtain an embargo on one of the steam ships of the Company as security for the payment of my debentures; but two days ago I received a letter from my correspondents at Lisbon, who are Portuguese merchants, in which they say, "The Company have advertised the 'Don Pedro' for the 30th instant. The embargo will be removed, for it appears the judge has ordered it. This is a most flagrant act of injustice, and is positively against the laws of this country." My counsel,

16 July 1862.

one of the leading lawyers of Portugal, in his report to my correspondents, which reached me yesterday, says, in regard to the above proceeding, "My opinion is, that from this question alone Mr. Lindsay has the undoubted foundation for a claim from Government to Government, because the law has been completely set aside, the embargo has been ordered to be released without Mr. Lindsay being heard; and further, the release has been granted against the clear disposition of the law or procedure, which expressly states the forms to be followed in the embargo or arrest, which, after having been decreed by sentence, has been revoked in this most illegal manner.

So long as I had any prospect of obtaining justice in a court of law I was reluctant to trouble your Lordship; but when the Government of Portugal refuse or neglect to support its own acts, when the public statutes of the Company, under the guarantee of the Government, on the faith of which I and other British subjects invested our capital are grossly violated, and when the courts of law of that country act in the manner I have now briefly described, I trust your Lordship will not hesitate to adopt such measures as you may consider most advisable to obtain for us prompt redress.

If the Government of Portugal is prepared to see me in regard to the payment of my debentures, or the settlement of the interest upon the stock, I will immediately visit Lisbon on receipt of a communication to that effect. But, after the experience I have had, it would be a waste of valuable time to again visit that city unless I am advised, through your Lordship, that the Government of Portugal is ready to go into the question with me, without the necessity of further so called "legal proceedings."

I am, &c.

(signed) *W. S. Lindsay.*

The Right Honourable the Earl Russell,
Secretary of State for Foreign Affairs,
&c. &c. &c.

— No. 13. —

COPY of DESPATCH from the Right Hon. Earl Russell to Mr. Herries.

Sir,

Foreign Office, 8 August 1862.

WITH reference to my Despatch of the 30th ultimo, I enclose a copy of another letter from Mr. Lindsay, complaining of further illegal proceedings in Portugal in connection with his claim against the "Union Mercantile Company."

6 August.

You should send home a report on this claim as soon as possible, and in the meantime you will give such assistance as you can properly afford to Mr. Lindsay's agent at Lisbon, in protecting the interests with which he is charged from any illegal proceedings on the part of the Portuguese authorities.

I am, &c.

To Mr. Herries.

(signed) *Russell.*

— No. 14. —

COPY of DESPATCH from Mr. Herries to the Right Hon. Earl Russell.

My Lord,

Lisbon, 17 August 1862.

I HAD the honour to receive by the "Tyne" steam packet, on the 13th instant, your Lordship's Despatches of 30th July and of 8th August, with their enclosures, on the subject of Mr. Lindsay's claims.

It has not yet been possible to obtain all the information necessary to enable me to report fully on this somewhat intricate case, which I can venture to say has not been completely or accurately stated by Mr. Lindsay. That gentleman's agent, Mr. Howe, left Lisbon about a month ago, and as I do not know who is now charged with the management of Mr. Lindsay's affairs, it is difficult to ascertain precisely what is their present position; but I hope to be able to do so in the course of a few days.

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In the meantime I may state to your Lordship that Mr. Lindsay having at the end of last year drawn bills on the Mercantile Union (*União Mercantil*) Company for the interest on his debentures, the Company refused to accept those bills, alleging, as the grounds for their refusal, that Mr. Lindsay was indebted to them for a larger amount; that he had been duly warned of their intention not to accept his bills; and further, that the proper forms had not been complied with in the marking and transmission of the debentures.

Whereupon Mr. Lindsay brought an action against the Company for the sum of 14,100 *l.*, the amount of his debentures; and for another sum of 97 *l.* 3*s.* 7*d.*, on account of sundry incidental charges. The case was tried before a jury in the Commercial Court of the First Instance, and a verdict having been found for the defendants (the Company), judgment was given by the court on the 5th of June, pronouncing the invalidity of Mr. Lindsay's demands for both of the above-mentioned sums, and sentencing him to pay the costs of the suit.

Mr. Lindsay's advocate afterwards declared his intention to appeal to a superior court; but whether any steps have yet been taken for that purpose is not at present known, even to the directors of the Company interested.

The complaint made by Mr. Lindsay concerning the raising of the embargo which he had caused to be placed on one of the steamers belonging to the Company appears to me to be unfounded; but as soon as I can procure the requisite documents, I shall submit the question of the legality or illegality of the proceeding to the opinion of the counsel employed by Her Majesty's Mission.

With regard to the non-payment of dividends on his shares in the Mercantile Union, it seems that Mr. Lindsay is in the same position as every other shareholder, the Portuguese Government having hitherto failed to make good their engagements to the Company, the directors of which refuse consequently to admit their liability for the guaranteed interest that has never been paid on the capital of the Company.

I have, &c.

The Right Hon. Earl Russell, K. G.,
&c. &c. &c.

(signed) *Edward Herries.*

— No. 15. —

COPY of DESPATCH from Mr. *Herries* to the Right Hon. Earl *Russell*.

My Lord,

Lisbon, 1 October 1862.

IN submitting to your Lordship a report on Mr. Lindsay's claims, I ought to explain how it is that I have been prevented from fulfilling your Lordship's instructions more speedily. Much time has been occupied, owing to the dilatory and irregular habits that prevail in this country, in obtaining reliable evidence, and in collecting and translating documents necessary for your Lordship's information. Nevertheless, I should have reported on the case long ago, had I not been induced to wait for communications which Mr. Lindsay's agent and lawyer expressed their desire to make to me.

I have now the honour to transmit to your Lordship copies and translations of the following papers relating to this case:

A statement of the course of litigation between Mr. Lindsay and the "*União Mercantil*" Company, drawn up by the advocate of the latter. This paper is accompanied by the judgment of the Commercial Court of First Instance on the principal action, and the decisions of several courts on an incidental cause.

A statement by Mr. Lindsay's counsel, impugning the justice of the proceedings of the latter decisions.

The opinion of the standing counsel of Her Majesty's Mission on all these proceedings.

Besides the above-mentioned papers, I have carefully examined many documents, printed reports, and pamphlets, &c. relating to this matter, and I have likewise endeavoured to elicit the truth by personal communication with parties interested. The result of my investigation I shall try to lay before your Lordship as briefly and as clearly as possible.

The Company, called "União Mercantil," in the formation of which Mr. Lindsay appears to have been largely concerned, was established in 1858. By contract with the Government, it receives subsidies for lines of steam navigation to the Portuguese possessions on the West Coast of Africa, the Azores, and the Province of the Algarve. The chairman and two other directors are British merchants at Lisbon. The undertaking has not prospered. The expenditure of the Company has constantly exceeded the receipts, and the last accounts published show a large deficit. Not half of the shares having ever been taken, the necessary capital has not been realized, and the directors, who had for some time raised funds on their personal credit, were at last obliged to solicit the aid of the Government, which last year guaranteed a loan to the Company, besides making considerable advances.

It may fairly be presumed that these embarrassments were not without influence on the transactions between the directors and Mr. Lindsay.

On the formation of the Company, in 1858, they purchased of him a steamer, called the "Lindsay," now the "Don Estephania," for 19,000*l*. Half of that amount he agreed to take in shares at par, and the balance having been paid to him in London, he has no demand to make on account of this ship. At the end of the same year, 1858, he sold to the Company two other steamers, the "Clarendon," now the "Africa," and the "Ireland," now the "Don Pedro." The price of these two vessels together was 55,000*l*., and, as before, he took half in shares. For the other half, 27,500*l*., the directors accepted six bills drawn by Mr. Lindsay at different dates, and by the contract of sale these two ships remained specially pledged to him as security for payment. The first bill was paid, but as the term approached when the second would become due, disputes arose, and the directors reproached Mr. Lindsay with having sold them defective ships. They declared that they had ascertained the "Africa" particularly to have been for a long time in a ruinous condition, and claimed compensation for losses occasioned thereby. Mr. Lindsay's second bill was dishonoured, whereupon, according to the terms of his contract all the others became due, and in default of payment he was entitled to recover possession of the "Africa" and "Don Pedro," which stood pledged to him; but a compromise was effected. Mr. Lindsay undertook to make good part of the expenses incurred in refitting the "Africa," and a new agreement was made on the 28th December 1859, on the following terms:—

1. Mr. Lindsay gave up the special security of the "Africa" and "Don Pedro," and in lieu of the bills accepted by the Company and remaining unpaid, for half the price of those ships, he received 8,000*l*. in two bills on London, and 16,000*l*. in debentures, bearing 6 per cent. interest, and to be paid off by instalments of 12 per cent. If the sums payable on the 30th of June and 31st of December, for interest and redemption, were not remitted to him before the 1st of each of those months, Mr. Lindsay was to have the right of drawing bills for the amount on the directors.

2. The Company was bound not to alienate or pledge any of its vessels, and without previously consulting Mr. Lindsay not to issue debentures, or in any other way to raise funds except for the acquisition of ships, stores, &c.

3. The right of examining books, accounts, &c. was reserved to Mr. Lindsay.

4. The ships belonging to the Company were to be insured in a certain manner specified.

5. In case of failure, on the part of the Company or directors, to pay the interest or annual redemption of the debentures, or to accept or to pay the bills that Mr. Lindsay would be entitled to draw, or in case of non-fulfilment of any of the above-mentioned conditions, Mr. Lindsay might then sue them for the immediate payment of the whole of their debt, together with damages, &c.

The two bills on London, for 4,000*l*. each, were paid; and the sums payable on the debentures for 1860. and the first half year of 1861 were duly remitted. But at the beginning of December 1861 Mr. Lindsay received, instead of cash, an account (*see* Enclosure Nos. 1 and 2), in which, the repairs of the "Africa" being charged against him and various sums placed to his credit, a balance appeared in favour of the Company, greatly exceeding the amount

falling

falling due on his debentures at the end of the year. On the strength of this account the directors refused to accept the bills, which he had drawn upon them for that amount. Whereupon, in virtue of the 5th clause of the agreement of 28th December 1859, Mr. Lindsay sued them in the Commercial Court of First Instance for the whole of the Company's debt to him, 14,100*l.*, alleging, besides the non-payment of sums due to him, another violation of the agreement by the directors in contracting a loan on the security of the Company's vessels without his knowledge. A further sum of 97*l.* 3*s.* 7*d.* was claimed for sundry charges.

The result of the legal proceedings in this suit I have already stated in my Despatch of the 17th of August.

Since that date I have obtained an authentic report of the trial, which appears to me to have been conducted in, to say the least, a very careless manner, and decided without much inquiry into the real merits of the case. The main points on which it turns seem not to have been touched upon at all.

Two witnesses only were called, Mr. Medicott, the chairman, and another director of the Company, who deposed to undisputed facts—the refusal of the defendants to accept Mr. Lindsay's bills, on the ground of his being their debtor to a larger amount, the loan above-mentioned, and various matters of detail.

The judge submitted to the jury a series of questions to the following effect:—

Is it proved that the defendants were bound by their agreement with the plaintiff of 28th December 1859?

Is it proved that the defendants refused to accept the plaintiff's bills?

Is it proved that they have contracted a loan on the security of the property of the Company?

Is it proved that the plaintiff has sustained loss or injury in consequence of the non-fulfilment of the conditions of the agreement?

Is it proved that the defendants owe the plaintiff the sum of 97*l.* 3*s.* 7*d.*?

The first three questions having been answered in the affirmative, and the two last in the negative, by the judgment of the court (Enclosure 3 and 4) the plaintiff was nonsuited. Now, it seems to me that the fourth answer of the jury, which is the essential part of the whole verdict, is inconsistent with the answers to the three foregoing questions; for, the binding force of the agreement between the plaintiff and defendants having been recognised, and the refusal of the latter to pay the former the sums due to him by the express terms of that agreement (also admitted), the conclusion that the plaintiff had thereby suffered no loss or injury was manifestly absurd, unless the justice of the counter-claim brought against him by the defendants as a set-off had been proved. But such proof seems to have been altogether wanting.

The judgment of the court is, in my opinion, equally open to objection. All the reasons assigned for it are, as I think, very unsound; and especially the restrictive interpretation given to the fifth clause of the agreement appears to me quite erroneous.

Mr. Lindsay has, therefore, as I conceive, good grounds for the appeal which is now pending before the Commercial Court of Second Instance; but I can see no reason why the legal proceedings instituted by himself should not be left to take their regular course, which has hitherto not been deviated from. Your Lordship will perceive, from the statement of the counsel of Her Majesty's Legation (Enclosures, Nos. 9 and 10), that even if the judgment already given be affirmed by the Court of Second Instance, it may still be set aside by the Supreme Court of Justice in last resort. Under these circumstances, the intervention of Her Majesty's Legation does not seem at present to be in any way called for.

But Mr. Lindsay's present complaints have more particularly reference to another case. Besides the principal suit, not yet terminated, he has been unsuccessfully engaged in an incidental process arising out of it; and it is in order to obtain by extra judicial action the reversal of what he considers as the unjust decisions of the courts in this secondary cause that he now claims the support of Her Majesty's Government.

As security for the payment of the sum of 14,100*l.*, for which he sued the Uniao Mercantil Company, Mr. Lindsay applied for an attachment on the

steamer "Don Pedro," then lying in the Tagus. This application having been refused by the Commercial Court, which, as it would seem, could alone have jurisdiction in such a case, was then addressed to and granted by one of the ordinary Civil Courts of First Instance. The judge of that court accordingly ordered an embargo to be laid on the "Don Pedro." But the directors petitioned the Superior Court of Relação against this order, alleging that the judge who had made it was not competent to do so; and besides, that the grounds for the attachment were in themselves legally insufficient. In accordance with what seems to be the practice of the courts, this petition was referred by the Court of Relação to the judge above mentioned, who, upon reconsideration, revoked his former decision, and ordered the embargo which he had laid on the "Don Pedro" to be raised. The reason given by him for so doing, however, was not his own want of jurisdiction, but the non-existence of the debt claimed from the Company. Against this second order, cancelling the first, a petition was now presented to the Relação on behalf of Mr. Lindsay; but the court rejected the appeal, on the ground principally of the notorious incompetency of the ordinary civil courts to lay attachments in cases of a commercial nature. From this judgment a further appeal was made on the part of Mr. Lindsay to the Supreme Court of Justice, which, by the unanimous decision of all its judges, refused to grant a revision, "for want of legal foundation." Mr. Lindsay's appeals having thus been finally rejected, the embargo was actually taken off the "Don Pedro" on the 24th of July. For any possible injury that Mr. Lindsay may have suffered thereby he has no longer any legal remedy; but his assertion that justice has been denied him rests, as I think, upon weak foundations. The arguments of his counsel in support of it will be found in a paper which I enclose (Nos. 7 and 8).

It is contended in the first place that, according to an article cited, of the Code of Civil Procedure, an embargo can only be raised by means of a counter embargo, and that consequently the courts had no authority to do so in the case of the "Don Pedro" in any other mode. But I find on referring to this article that it has not the sense given to it, the counter-embargo mentioned therein being permitted, but not required, and nowhere declared to be the sole means of opposition.

It is complained that the Judge of First Instance, in revoking his first order, condemned Mr. Lindsay unheard. But whatever may be the force of this objection, it is at any rate clear that the case was sufficiently argued on the two subsequent appeals, and I have indeed now before me the appellant's petition to the Supreme Court, in 33 closely written pages.

The next objection is not very intelligibly stated, but its practical bearing seems to be that the appeal having been rejected by the "Relação," not only on account of the "notorious incompetency" of the civil courts in commercial causes, but also for the reasons given by the judge below, and affecting the merits of the case itself, Mr. Lindsay was thereby precluded from having recourse to the court pronounced to be alone competent to grant the embargo. This complaint, however, is merely frivolous, for he had done so long before, his very first step in these proceedings having been an unsuccessful application to the Commercial Court, the proper tribunal, for an attachment on the "Don Pedro." This essential point is left unnoticed by Mr. Lindsay's advocate, who has, nevertheless, admitted the fact in conversation with me.

This learned gentleman's view of this case differs entirely from that taken by the counsel of Her Majesty's Legation, whose decided opinion (*see* Enclosures Nos. 9 and 10) is, that the Judge of First Instance was warranted by constant usage and the provisions of the Civil Code in cancelling his own order, that all the proceedings of the courts were perfectly regular, and that their judgments were strictly according to law.

In drawing your Lordship's attention to this gentleman's opinion, I ought to observe, that, strange as it may appear, though employed as the standing counsel of this Mission, he is at the same time one of the judges of the Court of "Relação." It so happened that, owing to the internal arrangements of the court, Mr. Lindsay's appeal did not come before him in his judicial capacity; but the judgment, although he took no part in it, was still that of the court of which he is a member, a circumstance that deserves consideration.

With regard to the litigation between Mr. Lindsay and the "União Mercantil" Company, I have nothing to add; but other claims, which he and others

others have made directly upon the Portuguese Government, on account of the transactions of the Company, now require notice.

They are set forth in a petition lately presented to the King from Mr. Lindsay and three other British shareholders in the "União Mercantil" Company, Messrs. Miles Stringer, William Tomkinson Riley, and John Brelley, whose names now for the first time appear in these affairs. It is worthy of remark, that in this petition, of which a copy is now lying before me, a long explanation is given to show that, as co-partners in these vessel purchased of Mr. Lindsay by the Company, they (together with other individuals since dead) received a large proportion of the shares delivered to him on that account, although there is no allusion to such an arrangement in any of Mr. Lindsay's numerous statements on this subject; and he has hitherto represented himself as alone concerned in the sale of the steamers, and as the holder of the shares taken in half payment, to the amount of 37,000 *l*, of which he now proves that no more than 12,666 shares, to the value of 25,320 *l*., ever really remained in his possession, the rest having been handed over to his associates.

The petition sets out with a detailed account of the circumstances connected with the formation of the Company, and then enters into an exceedingly minute examination of all the operations of the directors, whom it charges with having constantly and systematically violated the statutes they were bound to observe; it labours to prove that their improper proceedings have brought the affairs of the Company into a ruinous condition; and it argues that the Government having neglected to use the means it possessed of controlling the acts of the directors, which, on the contrary, it had approved and confirmed, have consequently assumed the responsibility for their mismanagement, and are morally bound to indemnify the shareholders for the losses occasioned thereby.

On these grounds, the petitioners claim from the Government the payment in full of the nominal value of their shares.

To ascertain the truth of all these allegations would require a complete investigation of the books and accounts of the Company; but, without entering upon so extensive an inquiry, it may fairly be concluded that the statutes of the Company have on various occasions been violated (but a strict adherence to them seems to have been not always possible, and it is to be observed that Mr. Lindsay was himself a party to some of the irregular proceedings complained of). That the ill success of the Company has been caused by such transgressions is a supposition which rests, in my opinion, upon no sufficient evidence.

The directors, on the other hand, with perhaps no better reason, ascribe their financial difficulties to their dealings with Mr. Lindsay, and affirm that their inability to raise capital, by the issue of shares, has been owing to the discredit thrown on the Company by the bad condition of the steamers supplied by him.

It appears to me that the petitioners have failed to prove their case, and many of the principal facts on which they rely being open to dispute, it is not to be expected that the Portuguese Government will accede to their demands.

Before concluding this report, I must add an explanation of the statement in the last paragraph of my Despatch of August 17th, as to the non-payment of dividends on Mr. Lindsay's shares in the "União Mercantil" Company. The interest guaranteed by the Government, 6 per cent. under a law of March 30, 1861, and raised to 7 per cent. by a law of September 10, 1861, has been due since the first-mentioned date. It has not yet been paid.

The amount of all the dividends which Mr. Lindsay would have been entitled to receive up to March 30, 1861, is placed to his credit in the account (*see* Enclosures Nos. 1 and 2) sent to him on the 26th of November 1861. His dividends are therefore supposed to have been paid to him in cash, while the other shareholders have received for their dividends nothing but shares nominally equivalent.

The Right Honourable the
Earl Russell, K.G.,
&c. &c. &c.

I have, &c.
(signed) *Edward Herries.*

Enclosure in No. 15.

(Translation.)

(2.)

STATEMENT on the part of the Company "União Mercantil."

Answers to Questions.

See Enclosures
Nos. 3 and 4.

1. The annexed sentence of 5th June 1862, document No. 1.

Lindsay appealed from this sentence to the court called "Relação Commercial," where the cause is now proceeding in due course.

See Enclosures
Nos. 5 and 6.

2d. There was only one embargo laid on the steamer "Don Pedro," on the 11th of February of the current year, document No. 2.

From this document it may be seen that the judge of the 6th district (First Instance), who had on Lindsay's petition ordered the steamer "Don Pedro" to be attached, ordered the same embargo to be raised on the 18th of February.

Lindsay appealed to the Relação, and this court by the decree of the 1st of March refused to admit the appeal.

Lindsay appealed to the Supreme Court of Justice, which refused by decree to grant the revision.

On the 22d of July the embargo was ordered to be raised, which took place on the 24th, the steamer "Don Pedro" being set free.

In consequence of this result to which the Company "União Mercantil" was in justice entitled, Lindsay is obliged to pay the Company the amount of losses and damages, which he caused by the embargo of the steamer "Don Pedro," keeping it in the Tagus, without allowing it to be navigated, and consequently prevented from continuing on the African line on which it is employed.

4th. The judgment given on the 5th of June by the Commercial Court has not yet been confirmed by the Relação Commercial Court of Second Instance, where the suit is now pending.

The debt which Lindsay claims from the Company has its origin in 161 debentures to bearer that he holds of the same Company, which debentures are to be paid off at the rate of 12 per cent. annually, and bear interest at 6 per cent.

These debentures were issued under the sanction of the Government by the Royal Charter of the 20th of October 1859, and were delivered over to Lindsay as the balance of the payment for the steamers "Ireland" and "Clarendon," now the "Don Pedro" and "Africa," there having been delivered to him 8,000 £. in two bills of 4,000 £. each on London at 8 and 30 days' sight, which were paid, the said steamers remaining free and cleared from all encumbrances by a written agreement of the 28th of December 1859.

The Company paid Lindsay the 12 per cent. redemption for the year 1860, and likewise paid him the six per cent. interest for the year 1860, and for the first six months of 1861.

On the 26th of November 1861, the Company sent Lindsay an extract of his outstanding account, namely:—

Dr. Lindsay, in his Outstanding Account with the Company "União Mercantil." *Contra Cr.*

	<i>Reis.</i>		<i>Reis.</i>
Amount of repairs to steamer "Africa" (Clarendon) -	28,592,572	Old boilers of the "African" steamer - - - - -	150,000
		1861: March 31.—Dividend on 1,266 shares till this date, at 9 $\frac{3}{4}$ per cent. - - -	10,938,240
		1861: Maris 31.—Balance in fa- vour of the Company - -	17,504,332
		<i>Reis</i>	28,592,572
Balance in favour of the Company - - -	17,504,332	1861: December 31.—12 per cent. redemption on 161 debentures for the year 1861, and six per cent. interest on the second six months of the same year -	10,606,680
		1861: December 31.—Balance in favour of the Company - -	6,897,652
		<i>Reis</i>	17,504,332

Balance in favour of the Company - - - - *Reis* 6,897,652

The above extract showed a balance in favour of the company of 17,504/332 reis, arising from the repairs of the steamer "Africa" (Clarendon), in consequence of the extremely bad state in which he sold it to the Company, making a general repair necessary.

sary, as may be seen from the respective surveys, with the renewal of the boilers, and all the masts, because those the ship had were rotten.

Such being the account, the amount of which the Company considers itself entitled to receive from Lindsay, the Company told Lindsay in the said letter of the 26th of November 1861 not to draw on the said Company for the annual redemption of the debentures for 1861, or for the six per cent. interest for the last six months of that year, because the amount would be placed to his credit, in order to clear off as much as possible the outstanding account.

Lindsay, notwithstanding the Company's notice, drew bills for the redemption and interest, which the Company neither accepted nor paid, declaring itself to be Lindsay's creditor for a larger amount.

Lindsay then instituted legal proceedings against the Company, which have had the result above mentioned.

5th. Lindsay, referring to a letter of the Company, dated the , thought that because the redemption and the interest on the debentures was not paid him, he ought to institute proceedings against the Company for the total amount of the same.

He brought the action without presenting the debentures (títulos), and only in the end did he petition to have the said debentures deposited in order to prove that he possessed them; this took place in the Commercial Court when the case was heard, on which occasion the Company also presented Lindsay's outstanding account, and letters from him in which he acknowledged his obligation to furnish not only some articles that were wanting to fit out properly for sea the steamers "D. Estephania" and "D. Pedro," sold by him to the Company, but also the general repairs which the "Africa" required, and whence arises the outstanding account.

(4.)

(Translation.)

SENTENCE.

HAVING examined the process, &c., it is alleged by the plaintiff, William Shaw Lindsay, in the libel, folio 2, that in a private writing of the 28th of December 1859, the directors and the manager of the Company "União Mercantil" acknowledged that at the aforesaid date, after deducting the amount of the bills mentioned therein, the Company still owed to the plaintiff the sum of 16,100 £, the balance of the price for which they had bought from him in the year 1858 the steamers "Clarendon" and "Ireland," now the "Africa" and "D. Pedro;" that the defendants had engaged to pay him the said sum within the term of eight years, in annual instalments of 12 per cent., payable every six months on the last days of the months of June and December of each year, paying at the same time as the instalments, the interest of six per cent. accruing on the capital, and they delivered over to the plaintiff 161 debentures of the Company of 100 £. each, wherein the aforesaid mode of payment and the rate of interest were laid down, as well as the privilege of his credit, which was recognised in the contract: that in the 1st condition thereof it was stipulated, that if the directors did not make a remittance to the plaintiff for the payment of the instalment and of the interest corresponding to each six months, before the first day of June and December of each year, the plaintiff might draw bills on the Company before the expiration of the term of their falling due, up to the amount of the instalment and of the interest; that the Company paid the instalment and interest down to June 1861, but not having remitted any funds by the 1st of December of that year, the plaintiff drew two bills equal to the amount of the instalment and of the interest, and further for 97 £ 3 s. 7 d., being the amount of payments made by him in London on account, and by order of the Company, also including the expenses on account of the bills that were not paid, under the false pretext of their not having in their possession any funds belonging to the plaintiff; that the Company also failed to comply with the second condition of the contract, because they contracted, without having consulted the plaintiff beforehand, a loan of 450 contos (100,000 £), hypothecating especially all their vessels and property; that on this account, and in conformity with the 5th condition, he may institute legal proceedings against them for the total amount of his credit, namely 14,100 £. (deducting the three instalments paid till June 1861), the interest from the 1st of July forward, and the losses and damages arising from the non-compliance with the engagements into which they had entered; and in conclusion, he demands that the defendants be condemned to pay him the said amount of 14,100 £. and the respective interest thereon, the expenses of the protest of the bills, the amount of losses and damages according to the liquidation in execution of a sentence, the commercial interest on that amount from the time when the liquidation shall be settled by court of law till it is paid, and moreover the amount of 97 £ 3 s. 7 d. with the commercial interest thereon, counting from the dates of the payments mentioned in the account, folio 18. The defendants, the Company, contested by denial, folio 24; the due proceedings of the suit followed, and in the court for the trial of the case, two directors of the Company deposed, the parties handed in the documents folio 29, the plaintiff rectified a doubt which occurred in the libel, with respect to the payment of the instalments, which according to the contract ought to be annual, and the incidents mentioned in the respective process, folio 68, took place. Having seen which and the rest of the process, considering that the commercial engagement entered into by the private writing, folio 8, did by innovation, annul the previous contracts respecting the purchase and sale of the said ships, and the mode of

payment of their price according to the Articles 867, 884, and 885, of the Commercial Code. Considering that with regard to the demand for 14,100*l.*, and the respective interest thereon of 6% from the 1st of July 1861, the libel is in clear contradiction with the above-mentioned writing on which it is based, and from which it appears that the Company paid the plaintiff his credit with 8,000*l.* in two bills, which he virtually acknowledges as having been paid, and the balance with 16,100*l.* in debentures, to bearer of 100*l.* each, stipulating the mode of payment of the interest of six per cent., and of the redemption of 12 per cent. on the value of the said debentures, which, as may be seen therein, the very same interest and redemption are due. Considering that the debt having been paid in that manner, and there not being any responsibility on the part of the Company except for the interest and for the redemption, according to the terms of the debentures and of the contract, which is law between the parties, it remains established beyond a doubt, that the words of the fifth condition "in the case either of the non-payment of the interest or of the redemption agreed upon, or in case of the non-acceptance or non-payment of the bills which you may draw, or in the event of non-compliance with the aforesaid conditions, you may immediately institute legal proceedings against the Company for the whole amount of your credit, and moreover for all the rights which the said debentures confer upon you," cannot have any reference to the debt which had been paid, and could not for this reason constitute a credit, but only refers to the interest and liquidation of the debentures which he might present, and moreover to the losses and damages alluded to in the same condition, if perchance they were really found to exist. Considering that, from the contradiction in which the libel is as regards the demand for 14,100*l.*, and the respective interest thereon, with the engagement itself on which it is grounded, and of which it forms part, it follows that it is of such a nature as to preclude the plaintiff from having any right to institute legal proceedings to obtain what he wants, and that consequently the discharge of the suit ought to take place in conformity to the Ordinance Book III., Title 20th, 16th paragraph, and to the 1st Article of the Commercial Code: Considering that as far as regards the debt of 97*l.* 3*s.* 7*d.*, the jury declared it to be not proved, in their answer to the 5th question: Considering that according to the above-mentioned terms, the respective answers to the questions Nos. two, three, and four, are rendered useless on account of the previous decision: Having examined the 1030th and 1103d Articles of the Commercial Code, I absolve the defendants from the suit for the demand of the 14,100*l.*, the interest thereon, expenses of the protest of bills, and losses and damages; I absolve them from the suit with regard to the demand for 97*l.* 3*s.* 7*d.* and interest thereon; I condemn the plaintiff to pay costs, and the fine corresponding to the last demand only.

Lisbon, Session of the 5th of June, 1862.

(signed) *J. P. Se Castro.*

The signatures of the Jury follow.

(6.)

(Translation).

Decision of the Judge of the Sixth Civil District of Lisbon ordering an Embargo on the Steamer "D. Pedro."

I ADJUDGE to be proved what is alleged in the petition, folio 2, against the Company "União Mercantil," in consequence of the acts of the process of the documents and of the evidence of the witnesses, because, for the purpose of decreeing the embargo petitioned for, what is laid down in No. 1311 of the Commercial Code is sufficient, as well as the proof of the defendants not having complied with the engagements to which they bound themselves in the contract, thus rendering themselves liable to the penal clause laid down therein; so that putting aside the consideration that their condition has become worse, which the present case does not require should have taken place, as there is a special legislation for the same, I adjudge that the embargo petitioned for may be effected, and proceedings shall be taken to have it laid on the steamer "D. Pedro" of the said Company, writing officially for this purpose in the necessary form, and forwarding afterwards the papers of this Act to the competent court, in consequence of the certificate at folio 15, and also the final costs of the same.

Lisbon, 8 February 1862.

(signed) *D. John Portugal da Silveira.*

Decision of the same raising the Embargo.

I AMEND the appeal solely in consideration of the document (at folio 38, and in the reverse of the same folio) in the places underlined, because the first agreement, and its accessories, are thereby proved to have been annulled, a complete innovation thereof having been made, so much so, that at the present day the creditors are the bearers of the shares, presenting the originals, and not the authentic legal copy of the same, since the latter may remain in the possession of a person who may have passed over the originals to another, as may be the case with any promissory note; in consequence, therefore, of what is stated, I order the embargo to be raised, which I consider to be of no effect, and let the petitioner for the embargo pay costs.

Lisbon, 18 February 1862.

(signed) *Dom John Portugal da Silveira.*

Decree of the Civil Court of "Relação" of Lisbon.

IN a conference of the Court of Relação it is decreed, &c., that on the grounds of the decision against which appeal was made, and of the answer of the judge *a quo*, of the rest of the process, and also because the incompetency of the ordinary Civil Courts to decree the wished for attachment is notorious, considering the commercial nature and the other conditions of the appellant's credit, and according to what is laid down in the 20th, 29th, 1310th, and the following Articles of the Commercial Code, and in the first Article of the Decree of the 21st of April 1847; for all these motives no injustice was done to the said appellant by the decision from which he appealed on which account his petition is rejected.

Lisbon, 1 March 1862.

(signed) *Fernandes Coetho.*
Neto Quirino Chaves.

Decree of the Supreme Court of Justice.

By the Counsellors in the Supreme Court of Justice, it is decreed, &c., that they refuse to grant a revision on account of the want of legal grounds.

(signed) *V. de Porto Carrero.*
V. de Fornos.
J. B. Cabral Aguiar.
V. de Lagoa

Lisbon, 11 of July 1862.

(8.)

(Translation.)

STATEMENT drawn up by Mr. Lindsay's Counsel.

Mr. WILLIAM SHAW LINDSAY made a petition to the Court of the 6th Civil District of this city, for it to proceed to the embargo or attachment of the steamer called the "Don Pedro," belonging to the Company, "União Mercantil," for the security of the payment of his credit for 14,100*l.* on the same Company, being the balance of half the price for which he had sold that vessel to the Company, and also another called the "Africa," the real sale of these vessels having been effected by an instrument of the 20th December 1858, registered in the records of the notary of this city, Antonio d'Abranches Coetho, in virtue of which the two vessels were specially hypothecated to the payment of six bills, which as being the amount of half the price the Company had accepted, the other half having been paid in shares of the same Company.

Mr. Lindsay elucidated his petition demanding the decree of embargo with the following documents:—

A legal copy of the contract entered into with the Company on the 28th of December 1859.

A legal copy of the protests for non-acceptance of the two bills, which, in conformity with that contract, Mr. Lindsay had drawn upon the Company for the amount of interest and instalments due on the 31st December 1861.

A legal authentic copy of one of the debentures, which are all of the same tenor and value.

A certificate to the effect that the action brought against the Company by Mr. Lindsay to claim 14,100*l.*, was still pending in the Commercial Court of First Instance.

And he produced two witnesses to prove the ruinous condition of the Company.

The judge, in consideration of the documents, and of the evidences of the witnesses, maintained that the legal requisites had been proved, and decreed the embargo by a sentence, copy of which is annexed.

The embargo was laid on the steamer, "Don Pedro," with the observance of all the legal forms.

After the embargo had been laid, the Company petitioned the judge to order a declaration of appeal to be written out to the Civil Court of the Relação of Lisbon, from the sentence which had decreed the embargo on the ground that a civil court was incompetent to decree an embargo on a ship, for which purpose the Commercial Court alone was competent; and that, moreover, there were no legal grounds for decreeing the embargo.

The judge ordered the declaration of appeal to be made out; and when the petition for this end was presented to him for him to answer, he declared that he amended the appeal, not on the ground of incompetency (which he noted down), but on what he had mentioned in his decision, of which a copy is annexed; concluding the same by declaring the attachment null and of no effect, ordering it to be raised, and condemning Mr. Lindsay to pay costs.

From this decision Mr. Lindsay put in an appeal in the form of a petition to the Civil Court of Relação, which went up to that court, and there his petition was rejected by the decree (of which a copy is annexed); and having put in an appeal from the latter to the Supreme Court of Justice for revision, this was refused him by the decree (of which a copy is also annexed), and in virtue of this the embargo was relaxed and raised.

See Enclosures
Nos. 5 and 6.

See Enclosures
Nos. 5 and 6.

See Enclosures
Nos. 5 and 6.

See Enclosures
Nos. 5 and 6.

Mr. Lindsay complains of the decision of the judge of First Instance; of the decree of the Relação; and of the decree of the Supreme Court of Justice, because he thinks that in the same an evident and manifest injustice was done him by the laying aside and contempt of the legal forms of the process, and that a real denial of justice was made him, having been condemned without being heard.

The special law regulating the process for an embargo or attachment is the 298th Article of the Judicial Reform, which is a code of civil procedure.

It is expressly laid down in the 4th paragraph of the above quoted article that, when the embargo has been laid, it can only be contested by means of embargo opposed to the same by the person whose property has been laid under embargo, and hearing the petitioner for the embargo thereon, who will produce such proof as may suit his purpose, and that the judge shall in the end pronounce judgment as in any other case.

The courts could not, therefore, revoke the judgment which decreed the embargo after it had taken place, and order it to be raised except by means, and under the form of process, laid down in the paragraph quoted above.

And still less could they revoke the sentence and condemn Mr. Lindsay without hearing him.

The production of a document by the Company to which the judge of the First Instance alluded in his decision for the amendment of the appeal, was another circumstance that obliged the judge to order that Mr. Lindsay should be heard.

In the 3d paragraph of the above quoted Article (298th), it is laid down that no embargo or attachment shall be decreed, until the petitioner for the embargo shall have signed a declaration of responsibility for losses and damages in the event of the embargo being in the end judged to be of no effect and null on account of there having been on his part a concealment of, or an assertion contrary to truth, and Mr. Lindsay did sign this declaration by his attorney.

The judge of the First Instance declaring, in his decision, the embargo to be null, on the ground that Mr. Lindsay had passed himself off as a creditor, which he was not, and condemning him to pay costs, gave to his decision the character and effect of a final judgment on the embargo.

And thus, by taking as the ground of his decision that Mr. Lindsay had alleged what was contrary to truth, he did subject him to a claim on the part of the Company for losses and damages.

But the most complete denial of justice which a judge or court can make, is to condemn any one without hearing him, and Mr. Lindsay was condemned without having been heard.

The injustice is evident and manifest whenever a judge or court decides and judges without observing the forms of the process prescribed by the law; and, by laying aside the same, prevents the party against whom he pronounces a decision from alleging and defending their own rights and justice; and this was the case in the decisions of which Mr. Lindsay complains.

The decree of the Relação for the rejection of Mr. Lindsay's petition of appeal adopted the grounds of the decision of the judge of the First Instance, and, besides this, the ground of incompetency of the Civil Courts to decree an embargo on a ship, or any other commercial effect, on account of any credit for which an action can only be brought before the Commercial Courts.

This decision, evidently contradictory and null on account of what is laid down in the 736th Article, 2d paragraph of the Judicial Reform, which prohibits any court from taking notice of a question appertaining to the jurisdiction of another, carries out in the very decision itself an evident and manifest injustice against Mr. Lindsay.

For as the decree declares the Civil Court to be incompetent to decree the embargo, it was also incompetent to declare it null, and to order it to be raised on any other grounds except on those of incompetency, and Mr. Lindsay might for this reason go and petition for it in the court, which the decree declares competent.

But as the decree confirms the decision of the judge of the First Instance on the grounds stated in the same, it prevented Mr. Lindsay from petitioning for an embargo in that other court.

And the injustice is still more revolting, inasmuch as it establishes an incompetency which does not exist, because the Commercial Courts have not got in the code by which they are regulated, any jurisdiction to order a judicial apprehension of property.

All these grounds of complaint with the necessary development thereof, were presented by Mr. Lindsay to the Supreme Court, which did not attend to them, and condemned them by refusing the revision.

Moreover, the means adopted of an appeal from the judgment which decreed the attachment, could not have taken place, and were not compatible with it, because such an appeal can only take place in the cases expressly mentioned in the 674th Article of the Judicial Reform, none of which includes that of a sentence decreeing an attachment.

Mr. Lindsay is entitled to have the injustice thus done him by the courts, redressed by the Portuguese Government, not only putting him beyond the reach of any claims which the Company may demand from him under the pretext of losses and damages, and, moreover, indemnifying him for all losses, damages and cessation of profits arising from the injustice done him, but also the due reparation thereof.

(10.)

(Translation.)

OPINION of the Law Adviser of Her Britannic Majesty's Legation at Lisbon, respecting the legal questions at issue between Mr. Lindsay and the Company "União Mercantil."

HAVING attentively examined the papers which I have before me, respecting the questions at issue between the British subject William Shaw Lindsay, and the Company "União Mercantil" of this city, I am of opinion that there are no grounds that can justify any complaint or claim on the part of the said Mr. W. S. Lindsay, to Her Britannic Majesty's Government, because one of the questions is still pending before the courts, and the other was decided in perfect conformity with the terms of the process, and with the laws in force in this kingdom.

The British subject W. S. Lindsay, brought an action in the Commercial Court against the Company, "União Mercantil" and for the greater security of his credit, which he claimed from the same, he petitioned the Civil Court for an attachment on the steamer "Don Pedro," anchored in the Tagus, and belonging to the same Company.

There are, therefore, two actions brought by Mr. W. S. Lindsay against the Company, the principal one by libel in the Commercial Court, and the one for embargo or attachment in the 6th District of the Judicial Circuit of Lisbon, where it was proceeded with under the title "Civil Process of Justification for an Attachment."

With regard to the first, the principal one, it is still pending before the courts, and before the latter give their final decision thereon, it is obvious that Mr. W. S. Lindsay can neither claim anything on this subject from his own Government, nor can he even know whether the decision will be favourable or adverse to him.

From the papers which I have before me, it may be seen that the judgment in this suit was given against Mr. W. S. Lindsay on the 5th of June of the current year 1862, in the first instance.

See Enclosures Nos. 3 and 4.

There still remain to him therefore, 1stly, An appeal to the Commercial Court of Second Instance, which may either confirm or revoke the judgment wholly or in part, considering the grounds thereof, and examining the question in all the plenitude of jurisdiction; 2dly, in the event of confirmation, an appeal to the Supreme Court of Justice, which may either grant or refuse the revision, in the cases and in the manner laid down in the laws, whether it be by annulling the process, should it find that there has been an omission of some essential Act, or some indispensable formality; or, in fine, by annulling the judgment, should it find therein a direct infraction, or a manifestly erroneous application of any law of the kingdom, according to the terms of the law of the 19th December 1843.

Such are the regular terms of the process which Mr. W. S. Lindsay still has in his power to pursue.

Before that, the question is not ended, there is no decision of the cause; and there are no grounds therefore for any claim by the extraordinary means of diplomatic intervention.

There are likewise no grounds for a similar claim with respect to the cause for the embargo, although it is now terminated by the refusal of the Supreme Court of Justice to grant a revision.

Not only were all the formalities, and the terms laid down in the code of legal procedure in force in the kingdom, observed, but the decision was also pronounced in harmony with the law on this subject. It is not, therefore, one of those cases in which international law exceptionally admits diplomatic interference with the decisions of the judicial courts of a constituted and independent nation.

Mr. W. S. Lindsay went to the Civil Court of the 6th District of the Judicial Circuit of Lisbon, to petition for an attachment on a steamer belonging to the Company, at anchor in the Tagus, for the greater security of his credit, which he claimed from the Company in the Commercial Court. The Judge of the 6th District ordered the embargo to be laid. The Company appealed from this proceeding of the judge to the Court of Relação, and on the Acts of the process already concluded being sent to him, in order that he should either maintain his decision, or amend the appeal if he wished to do so, according to the 675th Article, 2d paragraph of the "Judicial Reform," (a) the judge on a better examination of the case, amended the appeal, as it was lawful for him to do, and according to the daily practice of the courts; and consequently he ordered the release of the attachment, which he declared to be of no effect. From this decision Mr. W. S. Lindsay appealed to the Relação, and the Relação by a Decree on the 1st of March 1862, did not admit the appeal, on the ground particularly of incompetency of the ordinary civil courts to order the attachment, considering the commercial nature and other conditions of the appellant's credit, according to what is laid down in the 1029th and 1310th, and the following Articles of the Commercial Code, and in the 1st Article of the Decree of the 21st of April 1847. From this decision Mr. W. S. Lindsay appealed for a revision of the same to the Supreme Court of Justice, which by unanimity of votes refused to grant it on account of the want of legal grounds, by a Decree of the 11th of June 1862.

See Enclosures Nos. 5 and 6.

(a) See Note at the end.

Such being the precise terms of the matter in question, that is to say, of the attachment, there is no doubt that the process was carried on with all regularity, and according to the form laid down in the legislation relating thereto, and that the decision was conformable to the law of the country, by which a British subject is bound, as well as the Company "União Mercantil."

The Commercial Code in the first Title, part II., in the only book thereof, treats of vessels, and after legislating in general respecting them, in the 1310th Article, and in the following ones it lays down the rules for embargo. It is therefore evident, that as the action in question has reference to commercial acts, and arises from a subject on which there is a special legislation in the Commercial Code, the Commercial Courts alone can have jurisdiction to decide the case.

The legislation on this point cannot be more express. The 1020th Article of the Code says thus:

“The ordinary tribunals of commerce or the Commercial Courts of the First Instance are alone competent, and have an exclusive jurisdiction in all cases that have reference to commercial acts, or arise from engagements, concerning which, there is legislation in this Code, such cases appertaining from their very nature to a special court of justice, according to the 16th paragraph of the 145th Article of the Constitutional Charter.”

“The judges and the Courts of Commerce are exclusively competent to try all cases and suits arising from commercial acts.”—Article 206.

“Commercial jurisdiction cannot be declined, although the parties should agree to decline it.”—Article 1034.

And in fine the Decree of the 21st of April 1847 in the first article lays down the following:—

“Sentences pronounced by civil judges in causes that appertain to the exclusive jurisdiction of the Commercial Courts, or in which the mode of procedure laid down in the Commercial Code is not observed, are null and void, notwithstanding the consent or silence of the parties.”

That the principal suit was commercial cannot be a matter of doubt, and Mr. W. S. Lindsay himself, acknowledges it by both bringing it before and continuing it in the Court of Commerce, where it is still pending, and by a necessary consequence the suit for embargo, arising from it, and tending to the security and strengthening of the same must also be commercial.

From the reasons which I have just propounded, I conclude that the British subject Mr. William S. Lindsay has no grounds on which he can establish a complaint, or any representation whatever to Her Britannic Majesty's Government, with respect to the two actions which he brought against the Company “União Mercantil.”

Such is my opinion.

Lisbon, 4 September 1862.

Note.—Article 675, sect. 2. When the appeal has been lodged, the clerk shall immediately give up to the appellant's lawyer the acts of the process, in order that he may make out the petition, which being done, and the petition presented, together with the decree of the court or with the compulsory decision, he shall immediately recover the acts of the process, and after annexing the said petition, he will show them to the judge as concluded, from whom the appeal was made, in order that he may within 24 hours, either maintain his decision, or else amend the appeal, if he should so will it. Article 675, section 2d.

— No. 16. —

COPY of DESPATCH from the Right Hon. Earl Russell to Sir A. C. Magenis.

Sir,

Foreign Office, 8 October 1862.

WITH reference to Mr. Herries' Despatch, No. 53, of the 17th of August, I have to instruct you to report to me whether any progress is making towards the settlement of Mr. Lindsay's claim on the “Union Mercantile Company,” under the guarantee of the Portuguese Government.

Mr. Lindsay is prepared to go out to Lisbon if you should think his presence might be beneficial to his interests.

Sir A. C. Magenis, K.C.B.
&c. &c. &c.

I am, &c.
(signed) Russell.

— No. 17. —

COPY of DESPATCH from Sir A. C. Magenis, to the Right Hon. Earl Russell.

My Lord,

Lisbon, 15 October 1862.

I HAVE the honour to acknowledge the receipt by the Brazil Packet on the 13th, of your Lordship's Despatch of the 8th instant.

Your

Your Lordship instructs me in that Despatch, to report to you whether any progress is making towards the settlement of Mr. Lindsay's claim on the Union Mercantile Company, and as that question has been exclusively treated by Mr. Herries during my absence, I have requested him to inform me what is the present state of the question, and I enclose for your Lordship's information copy of a letter which he has in consequence addressed to me on this subject.

When your Lordship addressed to me your Despatch of the 8th instant, Mr. Herries' Despatch of the 1st October had evidently not yet reached you, and Mr. Herries reports very fully in that Despatch both the origin and nature of the dispute between Mr. Lindsay and the Union Mercantile Company, and its present position.

I am unable to say whether Mr. Lindsay's presence here would be likely to further his cause, and he must decide on that point himself.

I have, &c.

(signed) *Arthur C. Magenis.*

The Earl Russell, K.G.
&c. &c. &c.

Enclosure in No. 17.

Sir,

Lisbon, 14 October 1862.

IN obedience to your instructions I have the honour to state for your information, with reference to Earl Russell's Despatch to you, No. 1 of the 8th instant, that my Despatch to his Lordship, of 1st October, contained, to the best of my belief, a complete report of all proceedings on Mr. Lindsay's claims up to that date, since when I am not aware of any further progress having been made in this suit now pending on appeal against the "União Mercantil" Company, or towards a decision on his claim upon the Portuguese Government, as set forth in this petition to the King.

My above-mentioned Despatch cannot have reached the Foreign Office when Earl Russell's, of the 8th instant, was addressed to you.

I have, &c.

(signed) *Edward Herries.*

Sir A. C. Magenis, K.C.B.
&c. &c. &c.

— No. 18. —

COPY of LETTER from Mr. *Lindsay*, M.P. to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, City, 21 October 1862.

I HAVE the honour to acknowledge receipt of your Lordship's letter of the 11th instant, with various documents transmitted to you from Lisbon, which I now return with my thanks.

Her Majesty's Chargé d'Affaires at Lisbon has evidently devoted much time, and bestowed great care, to the examination of the claims which your Lordship instructed him to report upon, but his information has been doubtless in a great measure necessarily derived from the parties who resist the payment of these claims; from their counsel, and from a judge of the court who gave the decision complained of, who unfortunately for the claimants, as would appear by his report, is also the legal adviser of Her Majesty's Legation at Lisbon.

I shall now, with the permission of your Lordship, endeavour to state as briefly as possible the case of the claimants,

The stock held by them is as follows:—

W. S. Lindsay	- 1,266 shares, at 20 £.	- - - £. 25,320
Henry Maughan	- 256 ditto - - -	- - - 5,120
Miles Stringer	- 252 ditto - - -	- - - 5,040
John Brelley	- 50 ditto - - -	- - - 1,000
George Western	- 84 ditto - - -	- - - 1,680
	<u>1,908</u>	<u>£. 38,160</u>

On the above shares seven per cent. per annum is guaranteed by the Portuguese Government.

W. S. Lindsay 141 debentures of 100 £. each, 14,100 £.; on these six per

cent. interest per annum is payable, and an annual reduction of 12 per cent. I am, as your Lordship will perceive, much the largest holder of the stock of the Company. My own interest in it being close upon 40,000 *l*.

This stock has never been out of my possession, except when my agents required to produce it to the Company or in court. As I held powers of attorney to act for the other shareholders, who were my co-owners in the steamships which were sold to the Company, I consequently made all applications to the Company in my own name; and, practically, I was alone concerned in the sale of the steamers. I offer this explanation, as Mr. Herries refers to an apparent discrepancy in regard to the amount of stock held by me in his letter to your Lordship. In fact, the whole of the above stock has always been in my possession, though it belongs to the respective parties in the proportions I have named.

The facts connected with the purchase of the steamships by the Company from me are set forth in a paper herewith marked (A).

Some of the reasons why we consider the Government of Portugal responsible to us are set forth in a letter which our attorney, in my name, addressed to the Minister of Public Works in January last. It is marked (B.), and to that letter no answer has been received. I also send herewith copy of one of the debentures (C.), and copy of the deed given to me by the directors (D.), which your Lordship will notice is very clear and specific in the powers it gives me. By the paper (A.), your Lordship will perceive that the counsel to the Company, in his written statement, has misrepresented altogether the facts of the case to Mr. Herries, for as you will note there are in my possession numerous documents, signed by all the directors and by the agents to the Company, in which they distinctly state that the steam vessels which I sold, by the request of the Minister of Works, and in good faith to the Company, were acknowledged by them to be in "an efficient state," and that they complied with all the conditions agreed upon. Consequently the Company has not, and indeed in the face of such documents cannot have any claim upon me; but even if the directors had a claim, they could not make it a set-off against the payment of the debentures. See Paper (C.).

The Company on their debentures acknowledges to have received "one hundred pounds sterling," the interest of which will be paid six-monthly, and the reduction annually to "bearer." These debentures also give the holders of them "a preference right upon all the assets of the Company." With stipulations to clear, the decision of the Portuguese courts in regard to the embargo, appears to me to be not only unjust but contrary to the laws of Portugal, or I daresay any other country.

Independently altogether of the special deed in my possession (D.), the debentures expressly provides that the payment of six per cent. interest, and the annual reduction of 12 per cent. are "both guaranteed by a preference right on all the assets of the Company." I am, therefore, at a loss to understand, how the law adviser of Her Majesty's Legation at Lisbon, could report to Mr. Herries (admitting as he does that the payment of the debenture issued by the Company under the signature and approval of the Portuguese Government was repudiated) that I had no reasons for complaint, and that there are no grounds for any claim by means of diplomatic intervention. I hope your Lordship will feel that even if I had no other reason beyond this fact, it is one in itself where diplomatic intervention is specially required. But the whole of the facts have not been brought under the notice of Mr. Herries, and I fear the information he has received has been incorrect. Mr. Herries reports that I "undertook to make good the repairs incurred in refitting the 'Africa,'" "that the expenses of the Company have constantly exceeded the receipts," and that "Mr. Lindsay himself was a party to some of the singular proceedings complained of" on the part of the Company, in the violation of the statutes.

In regard to the first it is clear (Paper A.), that I was in no way responsible for any of the expenses incurred in refitting the "Africa;" at the same time I have, on all occasions, stated to the direction, that though I was not legally responsible, I would readily make good any defects discovered afterwards, for which I was in equity responsible at the time of the sale, and I gave the Company a letter to that effect. I again referred to that promise when they rendered their very extraordinary account, copy of which was in the possession of Mr. Herries, and I send herewith (E.) copy of the letter I then sent to the manager

manager of the Company. Even now, if it can be shown by any impartial and competent person that there were defects in the "Africa," which in equity ought to be made good by me, I am ready to make an allowance to them, even though the Directors and their agents, by certificates, by deed and otherwise, have repeatedly expressed their satisfaction with the efficiency of the ships, and that they complied with all the conditions agreed upon.

2. If the expenses of the Company have constantly exceeded the receipts, then the Directors and the representative of the Portuguese Government have issued false accounts to the shareholders; for in every account sent to me, and in all the published statements of the Company, a profit is shown. Indeed, in one of the accounts which now happens to be before me, signed by the secretary and by the manager, a profit is certified to "equal to $18\frac{9}{16}$ per cent. in the nine months." If these accounts are not true, then I am entitled to hold not merely the Directors who passed these accounts personally responsible to me, but also the Government, whose representative sanctioned their issue and publication.

3. In regard to the statement that I "was a party to some of the irregular proceedings of the Directors," I could have wished if the Directors had furnished Mr. Herries with some more information on this point than he appears to possess, for I am not aware of having sanctioned any of their irregular proceedings; on the contrary, the bulk of my numerous letters (and they are at your Lordship's disposal) contain a protest against the Directors and the representations of the Portuguese Government, for their repudiation of all their agreements with me, whereby my interest and that of the other English shareholders has been prejudiced.

4. Your Lordship will find that these are specially referred to in the representation (B.) which my attorney made to the Minister of Public Works, in January last; and I hope your Lordship will agree with me in the opinion that, if for no other reason than those stated in that document, the Government of Portugal is responsible to make good to the English shareholders the loss they have sustained; and I cannot doubt that, when the case is represented by your Lordship, the Government of Portugal will not hesitate to make good these losses. I have already, and only since January last, expended upwards of 750*l.* on prosecuting my claims in the Portuguese Courts, and without any results, for after the decision of these Courts in the case of the embargo, it is hopeless in me to expect justice. Indeed Mr. Herries, with only very imperfect information before him, informs your Lordship that the trial in the principal case was, "to say the least of it," conducted in "a very careless manner," and was "decided without much inquiry into the real merits of the case;" that the decision of the jury against me was "manifestly absurd," and that "the judgment of the Court was equally open to objection." Mr. Herries therefore thinks that I have good grounds for the appeal which is now pending; but unless your Lordship is pleased to represent the facts of the case (I trust promptly) to the Government of Portugal, I fear that I and the other shareholders in the Royal Union Mercantile Company will, one way or another, lose our capital, even though the dividends upon that capital are guaranteed by the Government under special laws of the 30th March and 10th September 1861.

Earl Russell, K.G.,
&c. &c. &c.

I am, &c.
(signed) W. S. Lindsay.

Enclosures in No. 18.

(A.)

THE following is a brief Statement of the Facts connected with my claims upon the Company now called "The Royal Union Mercantile Company," of Lisbon:—

On the 28th August 1857, Messrs. Edward Medlicott, Fortunato Chamiço, junior, J. H. Fradessa de Silveira, and Candido de F. Abreu, who styled themselves "Directors of the Royal Portuguese Navigation Company," addressed a letter to me in London, through their agents here, in which they expressed an anxious desire to purchase "four" of my ships, and to pay for the same, one half in shares of the Company, which they stated would shortly be "at a premium," and the other half by "monthly instalments of 1,200*l.* to 1,500*l.*, bearing interest at the rate of not more than 6 per cent. per annum; with the condition, however, that the Directors shall be allowed, whenever convenient to them, to

increase the figure of said instalments, in order thus to accelerate your reimbursement." The particulars of those ships they had previously received from their agents here. This gentleman then concluded a somewhat lengthy letter by stating that "the Directors would desire to have at once a steamer of 500 tons, destined for the Azores line;" and further, "the decision of this affair being looked upon by the Directors as of a most urgent nature, they would feel great pleasure in seeing you personally here, and thus have the honour to treat in a direct manner all the pending transactions, and they have no doubt that thus everything would be arranged to the satisfaction of all parties." Consequently, after various letters had passed, I did visit Lisbon, for the first time, in the month of September 1857, on the invitation of the Directors. Upon full inquiry I found that the gentlemen who had addressed me occupied respectable positions; that the object which they had ostensibly in view was one that was likely to prove of considerable national importance in the development of the resources of Western Africa, and in the suppression of the Slave Trade; and further, that the Company, if honestly, prudently, and economically conducted, could hardly fail to prove remunerative to its shareholders. For these reasons I sold to them one of my steamships, the "W. S. Lindsay," now the "Donna Estephania," for 19,000*l.*, payable one half in the shares of the Company, and the other half in cash credits upon London. I then returned to London.

In answer to the frivolous complaints which the Directors some time afterwards raised in regard to the capabilities and quality of this ship, I may state the following facts:—

1st. The "Donna Estephania" ("W. S. Lindsay"), was surveyed, approved, and accepted by their agents in London.

2d. She was surveyed, approved, and accepted on her arrival in Lisbon by the Company, of which I hold a certificate.

3d. In various letters from the Company now before me, extending over the months of August, September, October, and November 1858, the Directors express an anxious desire to purchase from me other similar ships.

4th. On the 21st October 1858 they make a definite proposal in writing, through one of their agents in London, Mr. Perey, to purchase from me the "Ireland" and "Clarendon" (now respectively the "Don Pedro" and "Africa"), which I then declined.

5th. On the 19th November 1858, the President of the Company, Mr. Medlicott, wrote to me as follows:—

"We are perfectly convinced that vessels with auxiliary power are most appropriate for the African trade, and I have no doubt that we shall have the whole of it as soon as we lay on the number of vessels required. The object of the Company in endeavouring to obtain a long credit from you in the purchase of your vessels was entirely to gain time to avoid at present, as much as possible, the sale of shares, until the working of the Company insures to it the confidence of the public, and envious parties, shipowners, &c., who will be put out of the trade, can no longer have a chance of doing us harm; then our shares I expect will be sought after."

And, 6th. In the foregoing letter, and in others from the Company, I was again invited to visit Lisbon, to make arrangements for the sale of the "Clarendon" ("Africa"), and "Ireland" ("Don Pedro").

As a ship appeared to be much wanted by the Company, in order to commence the African service, and as urgent requests were made to me, not merely by the Directors, but also by his Excellency Señor Carlos Bentos da Silva, the then Prime Minister of Public Works, which I have referred to in a separate paper, and marked (B.), I consented to send the "Clarendon" ("Africa") to Lisbon, but declined to transfer her to the Directors until I had received the following letter of indemnity from their agents:—

"Dear Sir,

"London, 23 November 1858.

"As we hope the 'Clarendon' will be out at Lisbon about a fortnight before you arrive there by the Brazil mail of 9th proximo, we consider it very desirable, for the interests of the Union Mercantile Company, that they should be able to avail themselves of the interval to make such preparations as may be necessary for the 'Clarendon' to commence the service without loss of time; and believing that this can best be carried out by her going to Lisbon a Portuguese steamer, owned by them, and that this will be more satisfactory to them, and also wishing to promote their interests as far as lies in our power, we, on behalf of the Company, and acting as their representatives here, propose to you the following:—If you will transfer, by bill of sale, to the Union Mercantile Company of Lisbon the auxiliary screw-steamer 'Clarendon' ('Africa') we, on the part of the Company, will hand you first and seconds of exchange, as follows:—

		£.	s.	d.
Due 1 May 1859 -	- - - - -	4,696	15	-
" 1 Nov. " -	- - - - -	4,811	5	-
" 1 May 1860 -	- - - - -	4,925	15	-
" 1 Nov. " -	- - - - -	5,040	5	-
" 1 May 1861 -	- - - - -	5,154	15	-
" 1 Nov. " -	- - - - -	5,292	5	-
		£.	29,921	- -

And

And certificates of shares representing stock in said Company to the amount of 27,500 *l.*; and we likewise will guarantee that before you are required to deliver to us the auxiliary screw-steamer 'Ireland' (payment of which is included in the above bills and shares), the said Company, or their representatives, shall give to you 1,375 shares, of 20 *l.* each, of the Company in exchange for the certificates above-mentioned, paid up, amounting to 27,500 *l.* And we further guarantee that the promise of the Directors of said Company to mortgage to you the above-named ships, which we also hand you, will be followed up by the mortgage itself, valid and good in all respects according to the laws of Portugal, and according to the conditions of said promise; and, further, that the guarantee of said Directors to cover the two last bills shall be worded the same as the letter of guarantee given to us about the payment of the 'Acoriano;' and, further, that you shall have power to insure the 'Clarendon' ('Africa') for the sum of 25,000 *l.*, at the expense of the Company, in accordance with the contract of 20th October 1858; as also the 'Ireland' ('Don Pedro'), after she is transferred to the Company, in the sum of 30,000 *l.*, in accordance with the same contract. In regard to the management of the Company, as we understand that your sole object is to have it conducted prudently, efficiently, and economically in every respect, we undertake, on their behalf, that they will make such arrangements as you may consider satisfactory. It is understood that the price of 25,000 *l.*, half in bills and half in shares, representing the 'Clarendon' ('Africa'), which you transfer, becomes absolutely your property, and that the balance of 30,000 *l.*, half in bills and half in shares, which represents the 'Ireland,' is to be held by you as security until the above conditions are carried out; and it is further understood that, when these conditions are completed, you will transfer the 'Ireland' to the Company.

"We are, &c.
(signed) "Wm. M^r Andrew & Sons.
"Pinto, Perey & Co."

With the object of completing the conditions named in the above letter, I again visited Lisbon in December 1858, and had many interviews with the Directors, and with various members of the Government of Portugal, at whose request it may be said I agreed to enter into the arrangement. After completing the necessary arrangements, and receiving the mortgage of the ships, and the personal guarantee of the Directors, &c. &c., I likewise transferred the "Ireland" ("Don Pedro") to the Company, accepting in payment the shares and bills of the Company thus guaranteed; as it was on the one hand convenient to me to lock up the value of these ships as long as the principal and interest was paid, and, on the other hand, as the Company had been unable to emit its shares, it was not convenient for the Directors to make cash payments or open credits in London, as they had previously done in the case of the "Donna Estephania" ("W. S. Lindsay"). As various complaints were also subsequently raised, long after the Company had the ships in their possession, in regard to the capabilities and qualities of these ships, &c., my best answer to these complaints is a statement of facts, and the documentary evidence of the Directors and their agents, which is in my possession. These facts are as follows:—

Before the "Ireland" ("Don Pedro"), and the "Clarendon" ("Africa") left England, they were surveyed by the duly authorised agents of the Company, who handed to me the following letter:—

"Dear Sir,

"London, 8 December 1858.

"Having been on board the steamer 'Ireland' to-day, we have much pleasure in saying that she seems to us quite complete in all her cabins and arrangements for passengers. She certainly is a beautiful ship, and we feel confident that, when our Lisbon friends see her, they will be very much pleased with her.

(signed) "W. M^r Andrew & Sons.
"Pinto, Perey & Co."

In regard to the "Clarendon" ("Africa"), the following is a copy of the surveys and reports of the practical men, the most eminent of their line in London, appointed by the agents of the Company to inspect this ship:—

"London, 24 November 1858.

"This is to certify that the undersigned, at the request of Messrs. Pinto, Perey & Co., of No. 22, Crutched Friars, have this day made a careful survey of the screw-steamer 'Clarendon,' now lying in the London Docks, and have to report that she is in good and efficient condition, well and substantially built, and fitted with 14 berths, and nine others available for bed-places in the saloon, and has 14 bed-places in the 'tween-decks already fitted up, besides ample space further aft for 16 bed-places for first-class passengers, all connected with or close to the saloon, with suitable waterclosets, pantries, cooking apparatus, and cabin furniture for first-class passengers. The masts, yards, and rigging are all in good and efficient condition; she has spare space for lower yard, &c., as usual for ships of her class. The four boats are all in good condition, and properly fitted with the necessary masts and oars, &c. The ground tackle is efficient and complete. In our opinion she is efficient in all respects for services between Lisbon and the West Coast of

Africa. It appears, by a certificate produced, that the vessel was placed in dry-dock, and her bottom cleaned and thoroughly examined, and found to be in good condition, in September last. Appended hereto is an engineer's (W. Beardman) report on the machinery.

(signed) "George Bayley,
"John Gilmore,
"Surveyors to the Board of Trade.

"Signed by Messrs. G. Bayley and John Gilmore in the presence of John Harrison, Notary Public."

In regard to the engines and boilers, for which the Company claim compensation, the following is the report of the engineer they appointed:—

"Deptford, 24 November 1858.

"I hereby certify that I have this day, at the request of Messrs. Pinto, Perey & Co., made a careful examination of the machinery and boilers, of 80-horse power nominal, of the screw steamship 'Clarendon,' lying in the London Docks, and find them in good and efficient condition, and fit for immediate service between Lisbon and the Portuguese settlements on the West Coast of Africa, and back.

(signed) "Joseph Beardman.

"Signed by Joseph Beardman in the presence of J. Harrison, Notary Public."

So particular were the agents of the Company, that these documents were sworn to before the Lord Mayor. But however complete in themselves as a refutation of the claims which the Company subsequently made upon me, there are other documents, bearing the signatures of the Directors of the Company and its officers, which clearly prove that they were not entitled to make any such claims whatever, and, as will hereafter be proved, these claims were made merely as an excuse to delay the payment of the purchase-money of the vessels. When the "Clarendon" ("Africa") and "Ireland" ("Don Pedro") arrived at Lisbon, they were not merely inspected and accepted by the Directors, but I have before me receipts, signed by C. N. Munro, the Secretary of the Company, for the ships and their shares in detail, as per inventory. These receipts bear the date of 28th and 29th December 1858. But more than this: in the deed given to me, signed by all the Directors—and it will be noted that the "Clarendon" ("Africa") is the vessel for which the Company subsequently claimed compensation—and sworn to before Antonio d'Abranches Coelho, a notary public of Lisbon, every one of the directors distinctly acknowledged that I had "delivered the vessel named 'Clarendon' ('Africa') to the Company's agents in London, she being at the time of such delivery furnished with all gear and tackle, and provided with all necessaries for navigation, being supplied likewise with all furniture and needful articles for the use of 40 first-class passengers, all according to the terms and in the mode agreed upon." And, further, they (the Directors) signed and swore before the notary that both "the vessels are in the state and comply with the conditions agreed upon;" that they accepted such vessels as complete, and that they would keep and maintain the said vessels always in a perfect state of navigableness.

The ships were consequently not merely accepted and approved in every sense of the word, and in the strongest possible language, but were laden with cargo, and proceeded on their voyages to Africa for and on account of the Company. In fact, so well pleased were the Directors with them that, on the 5th July 1859, the Secretary wrote to me, stating that the "Clarendon" ("Africa") had arrived at Cape Verde in 6½ days—an extraordinarily quick passage; and by the Minutes of the Company I find that, on the 24th January 1859, at a meeting of the Directors, there being present Messrs. Medlicott, Serzedillo, Fradessa da Silveira, Flores, and Ribeiro, and unanimously carried—"To advise Mr. Lindsay that it would be of advantage to the Company to acquire the steamships 'Scotland' or 'England,' and the 'Harbinger,' ships belonging to me, and in all respects similar to the "Ireland" ("Don Pedro"), and the "Clarendon" ("Africa").

On the 2d February 1859, the President, Mr. Medlicott, wrote to me that the "Don Pedro" ("Ireland") "has filled her second and third-class cabins; a large quantity of cargo is shut out;" that if "they were in a position to advertise a vessel for April, the line would then be complete;" and he concluded by saying, "I shall be very glad to enter into an arrangement with you for another vessel to complete the line."

On the 11th February 1859, the Manager of the Company, Mr. Abreu, wrote to me as follows:—"The auxiliary system of your steamers is unquestionably the best, and most adequate for navigation to the African coast;" and he adds, "it is likewise my conviction that, for a fourth steamer for the African line, we ought to purchase one of yours only. Until next time we shall be able to continue the monthly line with our three present steamers which we bought from you; and in July I see it is possible you will have one of your steamers home from India."

On the 28th January 1859, M. Pereiro, an active Director of the Company, wrote to me:—"It is my firm opinion that so soon as we have succeeded in our great object (the emission of all the Company's shares) we ought immediately to buy your other vessel, the 'England' or 'Scotland,' to complete the African line, and the 'Harbinger' as a supplementary vessel on both the African and Azores lines."

In this strain the correspondence continued up to the 26th October 1859, or nearly a year after the Company had the vessels in use; and just five days before the second bill they had given to me in payment of these ships fell due, they then discovered, or pretended to discover, that the "Africa" (formerly the "Clarendon") had various defects, and on that plea or pretext they actually dishonoured their acceptance to me of 4,811 *l.* 5*s.*, which fell due on the 1st November. As I had in my possession all the other bills, I had them at once protested in accordance with the power I held, and I immediately visited Lisbon to enforce the personal guarantee of the Directors, and to receive the amount under my mortgage-deed. I would not listen for one moment to claims made against me on such frivolous pretexts, and with so disreputable an object. If, at the end of 12 months, it was discovered that the ship had defects, they arose either from the dangers and accidents of the seas, to which all vessels are liable, or from mismanagement of their Directors or their servants.

I proceeded to enforce my claims under the personal guarantee which I held, and could have sold the ships to recover the sum due on the bills, which the Directors had dishonoured, amounting to 25,224 *l.* 5*s.*; but by so doing I should have ruined the Company, which, under proper management, would yield profitable returns to the shareholders, of whom I was by far the largest. Consequently I consented, after many appeals, to give up the personal guarantee of the Directors for the due payment of the two last bills, and the mortgage, upon receiving from them 8,000 *l.* in cash, and debentures bearing interest, in exchange for the protested bills. I further agreed (too goodnaturedly) to give the Directors the time which they so anxiously desired to emit their shares, and to develop the resources of the undertaking.

I suffered the debentures to extend over eight years from that date, and was satisfied with an annual reduction of 12 per cent. The interest and reduction on these debentures were paid, when they fell due, on the 31st December 1860.

The interest of 6 per cent. was also paid on the 30th June of that year, but the amount which became due on the 31st December last has been dishonoured on the very same plea, and on the very same extraordinary claims which the Directors raised in 1859—a plea which, they admitted by the deed they signed in that year, had no existence. With regard to these claims, in an account which they rendered after they repudiated the payment of the interest and reduction on the debentures, they have not merely debited me without my sanction, but even without my knowledge, with such items as "painting" to the "Africa" ("Clarendon"), which vessel they have had in use for three years, but also for "sundries" (and these are all the particulars they give) supplied to the "Don Pedro" ("Ireland"), and "Donna Estephania" ("W. S. Lindsay"), the latter vessel having been in the constant service of the Company since 1837! I venture to say that the records of commerce in any part of the world never produced acts so disreputable; but they do not end here. After dishonouring their acceptances in 1859, on the pretext that the "Africa" ("Clarendon") was not in a condition to perform the service, and after publishing as their reasons for not paying their debts to me that she was not worth 44,200,000 reis, or less than 10,000 *l.*, they publish in 1861, to Portugal and to the world, an "Authorised Report" for the emission of the shares of the Union Mercantile Company, in which they state that the "Africa" ("Clarendon") is worth 130,035,000 reis, or nearly 29,000 *l.*; and in the Stock Account of the Company now before me, dated 16th April 1861, signed by Mr. Abreu, the manager, they value the same ship at 129,362,644 reis, or 28,747 *l.* sterling.

And in the "Authorised Report" they describe this much-abused ship "Africa" ("Clarendon")—it suiting their purpose so to do—as "a vessel of the very best construction." I sold them a ship, for which they agreed to pay 25,000 *l.* (less the commission); the one half in shares, and the other half in bills and debentures, which they dishonour. They enter that ship in their Stock Account as worth 28,747 *l.*, and at that valuation they ask (without my consent, as the largest shareholder, or even without my knowledge), as I understand, on the security of the ships they have not paid for, a large loan, which they receive in cash from the Government of their country, although they have at the present moment only paid me 6,000 *l.*, or thereabouts, in cash for that ship, being less than one quarter of the value which they have just put upon her. But their extraordinary acts do not end here.

In the Stock Account of the Company to which I refer, they value the "Don Pedro" ("Ireland"), which they bought from me three years ago for 30,000 *l.*, at 164,348,549 reis, or 36,521 *l.*, although all they have paid me in cash for that ship up to the present time is 7,000 *l.*, or thereabouts. And yet in the "Authorised Report" they have the audacity to say "that they have settled their accounts with me by paying me with debentures," which debentures they have repudiated and dishonoured.

I need offer no comment on such facts as these.

(signed) *W. S. Lindsay.*

8, Austin Friars, 21 October 1862.

(B).

LETTER addressed by the Attorney of the undersigned at Lisbon to the Minister of Public Works in January 1862, to which no reply was sent.

[Translated from the Portuguese.]

Most Illustrious and Excellent Sir,

IN the course of the months of January, February, and March of 1838 I had the honour to receive various letters from his Excellency Sir Carlos Bento de Silva, at that time Minister of Public Works, now of the Marine, whereby his Excellency invited and even urged me, on the part of the Portuguese Government, to give my assistance in the formation of the Company called the "União Mercantile," which various merchants of this capital, in unison with the Government and backed by it, were endeavouring to set on foot, an object impossible of obtainment through the sole agency of the capital of this country, inasmuch as the holders of such capital would not come forward and subscribe for the Company's shares. That which his Excellency the Minister asked of me most pressing was that I should furnish the necessary steamers to set going at once the service of the mails, that being the object of the Company's undertaking.

I acceded to this application, and lost no time in placing the steamers required at the disposal of those gentlemen, who, in common accord with the Government, proposed the formation of the Company, an intention they carried out immediately on the arrival of the vessels at the port of this capital.

The assurance that his Excellency the Minister gave me, on the part of the Portuguese Government, that the undertaking of the Company and the establishing thereof, while it was of great advantage to this country, would be highly advantageous also and profitable to the shareholders, and, above all, the guarantee afforded to myself by the intervention of the Portuguese Government, were my inducements to aid in the foundation of the Company, and to supply the vessels, whereby I embarked capital to a very considerable extent.

The Directors of the Company had engaged to settle with me, by means of loans, for the amount of the vessels; but, as they were unable to succeed in issuing the shares, they found it impossible to raise such loans.

That was the occasion of my first visit to this capital, when, trusting in what was told me by his Excellency the Minister, and continuing to confide in the Government guarantee towards myself, I did not hesitate to accept shares of the Company in payment of one-half the price of the vessels, and the other half in bills of one to three years' date; so that the Direction might have a longer time wherein to effect the issue of the shares.

The Direction paid some of those bills, but, the difficulty concerning the issue of the shares still continuing, they begged me to allow them a longer period wherein to pay the remainder.

This circumstance caused me to come over for the second time to this capital—viz., in December 1859—when, moved by the desire to assist the Company, and supported by the confidence which I reposed in the Portuguese Government, I acceded to the request of the Direction, by agreeing to accept, in exchange for the bills, bonds of the Company (*apólices*), to the extent of 14,100 *l.*, for which I was creditor, to be amortised and redeemed in eight years by annual instalments of 12 per cent., paid the last of December of each year, with interest every half-year in the form declared in the bonds, and laid down by the contract which I made with the Direction, dated the 28th of the said month and year.

The first yearly instalment, due at the end of December of the following year, was paid me; but having, in conformity with the stipulations of the said last contract, drawn upon the Direction two bills for the instalment which had to be paid at the end of the December following, the Direction refused to accept them, on the plea—which may be styled audacious, as being so evidently incorrect—that they had no funds of mine in their hands, and were not authorised to make advances. This unexpected, strange, and unheard-of proceeding on the part of the Direction towards me compelled me for a third time to come over to this capital, to my very great sacrifice and injury; as, in order to do so, I was compelled to forsake much public and private business that required my attendance in London.

In fact, it must appear to you both astounding and inexplicable that the Direction should have the audacity to declare, in the protests of their bills, that they did not accept them because they had not in their possession funds of the drawer, who was the creditor of the Company, whereof they, the declarants, were Directors for something more than 14,000 *l.*, and who drew those very bills by virtue of, and in conformity with, one of the clauses of the contract alluded to and passed between them.

I cannot help discovering in this conduct of the Direction a plan hit upon by them to do me an injury, and perhaps cause me to lose the very considerable capital which, at the request and on the guarantee of the Portuguese Government, I entrusted to the Company. Your Excellency will not fail to perceive, that as, in my capacity of a British subject, I have been instigated by the Government of His Most Faithful Majesty to entrust to the Company so large a capital, on the strength of the assurance given me by the Government that the undertaking of the Company was of great advantage to this country, and of even greater to the shareholders, and that the reimbursement of my capital should be insured to me, it is with clear and well-grounded reason that I consider I have

have a manifest and incontestable right to claim of the Government of His Most Faithful Majesty either that it should protect me and compel payment to me of the capital for which I am the Company's creditor, and which the Direction in so proper a manner refuses to pay me, without my being compelled to suffer the delays, inconvenience, and expense of judicial suits, which would oblige me to neglect my business in London, in order to be present in this city, and remain here for the purpose of pushing on the proceedings, thus causing me prejudice and loss, the sacrifice of lucrative business, and prospective damages which I at once protest to claim; or that it should assume my claims for its own account, on my transferring to the proper authorities my right of action against the Company, in return for my capital. The Government of His Most Faithful Majesty, in Article 20 of the conditions of the contract which was made with the founders of the Company for the adjudication of the undertaking thereof, reserved to itself power to appoint a commissioner of its own to appear at the meetings, in order to watch the proceedings thereof—an arrangement which was more expressly and positively established in Condition 3 of the contract made and passed with the Direction on the 5th January 1861, it being determined therein that the Government Agent should superintend all the acts of the Direction and the fulfilments of the contracts.

Through the intervention of its commissioner, the Government of His Most Faithful Majesty must have entire knowledge of the contracts I have made with the Direction, and their mode of proceeding towards myself, entailing the non-fulfilment of those contracts; and, moreover, the Government of His Most Faithful Majesty, by so intervening, superintending, and controlling the acts of the Direction, cannot shirk the responsibility which I claim to throw upon it, inasmuch as, by allowing the Direction to proceed, it has concurred in prejudicing my interests.

I must not omit to mention to your Excellency the strange pretext which I learn the Direction have put forward, in order to explain their refusal to accept the bills—viz., that the steamers which I sold to the Company were badly built, badly stored, and badly manned—facts which compelled the Direction to incur serious expense in the way of repairs, amounting to some twenty and odd millions reis.

Even were such a pretext not ill-founded, as it undoubtedly is, such imaginary claim could not authorise the Direction to declare that they did not accept my bills because they had no funds of mine in their possession.

But, in order to appreciate at once the emptiness of such pretext, it will be sufficient to call to mind that the Direction, before receiving the vessels, caused them to be most carefully examined by an agent of their own, expressly commissioned for the purpose; that after receiving them and giving them a trial, they thanked me for the good quality and condition of the ships, and desired me to let them have another one; and that such claim invented by the direction, and which they thought of having recourse to after the vessels had been a long time in their service, and then only when they found it was impossible to pay the bills, so far from being admitted by me, was always rejected as unfounded and incorrect; and that finally the Direction, when making with me the contracts of the 20th December 1858 and 28th December 1859, made no mention whatsoever therein of such claim, but engaged purely and simply to pay me the purchase-money of the vessels.

It is, therefore, by direct infringement of their contracts, and by throwing discredit on their own bonds, that the Direction refused to accept the bills and make the unheard-of declaration which is to be found in the protests thereof.

Again, touching another point of not less importance, I beg permission to ask the most serious attention of your Excellency.

It was, as I have observed, in consequence of the solicitations made to me on the part of the Government of His Most Faithful Majesty, and through confiding in the security and guarantee which I understood it granted my capital, that I came forward to assist in the formation of the Company, and consented to take shares in payment of one-half the price of the vessels—viz., to the extent of 37,000 *l*.

These circumstances should have induced the Government of His Most Faithful Majesty not only to superintend and to insist upon the entire and scrupulous observances of the Statute of the Company, inasmuch as by such vigilance of the Government the good faith of the shareholders was supported and made easy; but they should more particularly have induced the authorities not to authorise, and much less to make with the Direction, contracts for which acts and formalities prescribed by the Statutes, in order to render them legal and valid, did not provide, and whose nature must tend to prejudice the interests of the shareholders.

Unhappily, it was not so, and I regret to find myself compelled to observe to your Excellency that the contracts lately passed between the Government of His Most Faithful Majesty and the Directors of the Company were in direct violation of the Statutes of the Company, and were ruinous to the shareholders. In the attributes conferred by Chap. 3 of the Statutes upon the Directors was not comprised, nor could rationally be comprised, the power to contract loans, or, especially, mortgage the property and security of the Company. On the contrary, the disposition thereof in No. 5 of Article 18 clearly establishes the necessity that, for such acts, the Direction shall be especially authorised by deliberation of the General Assembly, which the Direction must convoke for that purpose. The legal convoking of the meeting, by the terms of Article 35 of the Statutes, be effected by means of advertisements, inserted 60 days in advance in the chief country papers, and in the principal journals of those countries where the Company have shareholders.

Yet I have never been able to learn that such advertisements convoking a general meeting have ever been inserted, or that such meeting actually did assemble, giving authority to the Direction to contract with the Government, and on the terms in which they have contracted.

And as I am the principal shareholder, and by the terms of Article 33 of the Statutes, in order to take the resolution, it was indispensable to obtain my votes, equivalent to one vote for each two shares, it seems strange that it should neither be called upon nor heard in reference to these contracts.

These contracts, and more especially the one that was authorised by the laws of the 10th September 1861, so depreciated the shares that they remained valueless upon the market; and the Government of His Most Faithful Majesty, by contracting with the Direction without seriously demanding the performance of the formalities and authorisation which are indispensable for the kind of contract, manifestly assumed a responsibility towards the shareholders whose rights were thus set aside.

I cannot be compelled to suffer the prejudice occasioned me by the contract which the Government has thus passed with the Direction without my being heard as a shareholder and advised to appear at the general meeting and give my vote.

This prejudice consists in the valuelessness to which, by nature of the contract referred to, the shares I possess have been reduced, the value and amount thereof being no longer the same.

I therefore see myself under the necessity of claiming of the Government of His Most Faithful Majesty payment of 37,000 £, the amount of the shares of which I am the holder, and which I received as part payment of the vessels that, at the request of your Government, I sold to the Company, I being ready to deliver over the said shares in consideration of such sum.

I feel confident that the Government of His Most Faithful Majesty will not hesitate to acknowledge the justice of my claims, and in such confidence I forego the having recourse to the protection and intervention of my own Government.

But in case, which I do not expect, they should not be attended to and satisfied, your Excellency must permit me to protest for the same, as well as for all prejudice and losses, stoppage of business, and damages accruing to me in consequence.

I likewise protest that these my claims shall not be or shall not be understood to be prejudiced or suspended in their decision by reason of the legal proceedings I intend taking against the Direction and my demand for payments of my entire credit, by virtue of the clause of the contract, so deposing, inasmuch as they are founded on my private rights as against the Government.

(signed) *W. S. Lindsay.*

(D.)

THE following is a copy of the Contract which the Directors of the Royal Union Mercantile Company gave to the undersigned, and the reasons he stated, in writing, to the Portuguese Courts for raising an Action to enforce the Conditions of the Contract:—

Lisbon, 28 December 1859.

WILLIAM S. LINDSAY, Esq.—You having assented to a substitution and renewal of the contracts which the Union Mercantile Company, whom we represent, executed with you by public documents, dated 4th November and 20th December 1858, in the notes of the notary of this city, Antonio d' Abranches Coelho, for the payment of 27,000 £, being one-half of the price of the steamships "Africa" and "Don Pedro," divided in six bills with their respective interest, and of which the first only was paid, and the second having become due and having been unpaid, and in consequence all the rest having become due and having been protested in conformity with the document referred to the 20th December 1858: you having consented to receive at the date of these presents the amount of 8,000 £. on amount of your credit, and the remainder in debentures of the said Company of the value of 16,000 £, with interest of 6 per cent., payable half-yearly, on the last days of the months of June and December of each year, dating from next year, and the reduction of 12 per cent. of the said debentures, payable on the last day of December of each year, dating from next year; and all conditions and guarantees of this new contract being agreed and accepted in order to be reduced to writing in the present form, we declare and bind ourselves, in the name of the Union Mercantile Company, and in the quality of its representing Directors and Manager, faithfully to fulfil the following conditions:—

1. That you, having now received the amount of 8,000 £. in two bills (one for 4,000 £. at eight days' sight, and the other for 4,000 £. at 30 days' sight), drawn by M. Fortunato Chamico, jun., on Messrs. Bruno Silva & Son, of London, and the amount of 16,000 £. in debentures or obligations of the Company in exchange for the bills and special guarantee which were in your power, and which you have already given up, the said Company binds itself to pay the said interest of 6 per cent. and the said reduction of 12 per cent. at the said times above stipulated, upon the said value of the debentures (16,000 £.), you being authorised to draw a bill or bills on the Company for the amount of the interest and reduction before the said times, should the Board not have remitted funds to you before the 1st day of June and December in each of the above-mentioned years.

2. That

2. That the Company, by its manager and directors who represent it, bind themselves not to alienate or mortgage their steamships or any other property in whole or in part, or issue debentures, or by any other means to raise funds which shall not be absolutely for the acquisition or purchase of ships or material for the service and augmentation of the capital of the said Company, without having previously consulted you in writing, not being able to mortgage in guarantee of the ships or material which they shall buy, except up to the value of the same ships and material purchased.

3. The Company confers on you the faculty of examining its books and the documents relative thereto, whenever it shall suit you; or of exacting a balance-sheet, signed and authenticated by its Managing Directors.

4. It having been resolved at a general meeting, after the expiration of the actual insurances on the ships of the Company, not to insure the same ships for more than a fourth part of their value, and for not less than 20,000 £, the Board will effect, or cause the said insurance to be effected in Portugal or in England, apportioning the said value of 20,000 £. on the actual ships as may seem most convenient, depositing in your keeping the respective policies of insurance.

5. That in the event of the non-payment of the interest, a reduction stipulated, or on the non-acceptance or non-payment of the bills which you shall draw, or on the non-fulfilment of the above conditions, you shall be entitled at once to sue the Company for the amount of the whole of your credit; and, besides, to exercise all the right which the said debentures confer upon you, and for the punctual fulfilment of all and each one of the said conditions; and besides this, to exact the losses and damages which shall result to you from the want of punctuality. The amount of your credit being considered by means of all legal effects, with privilege of preference over whatsoever other creditor (except the bearers of debentures lately issued by the Company) upon the value of the steamers of the said Company, and whatsoever else forms part of its assets, and by the present commercial obligation with the value of a public document.

6. That in the unexpected event of the two bills drawn by the said M. Fortunato Chamiço, jun., on the said Messrs. Bruno Silva and Son failing to be accepted and paid, the anterior contracts of 4 November and 20 December 1838, shall remain in their full vigour, and shall subsist in everything for all their purposes, and the instrument in writing for the removal and extinction of the special mortgage of the steamer Africa and Don Pedro shall be void, we declare to you that by the numbering of the debentures which we now deliver to you, they are the first which we have issued, 1 to 161.

We are, with all respect, your very obedient servants,
For the Union Mercantile Company,
The Directors and Manager,

Duarte Medlicott.
Fortunato Chamiço, jun.
José Antonio Pereira Serzedillo.
Manuel José Ribeiro.
Candido de F. Abreu (the Manager).

Recognition:—I recognise the signatures before me as those of the Directors and Manager.

In witness of the truth,

Lisbon, 28 December 1839.

Antonio d'Abranches Coelho.

THE Reasons stated to the Portuguese Courts for raising an Action to enforce the Conditions of the foregoing Contract.

William Schaw Lindsay, British subject, claims to bring an action against the Union Mercantile Company, represented by the Directors and Manager.

1. By a certain instrument in writing, dated 28 December 1859, the Directors of the Union Mercantile Company, Edward Medlicott, Fortunato Chamiço, jun., José Antonio Pereira Serzedillo, and Manuel José Ribeiro, and the Manager, Candido de Freitas Abreu, as representing the same Company, confess, after deducting the value of the bills therein mentioned, that they owe unto the plaintiff the sum of 16,100 £, being the remainder of the sum of 27,500 £, the half of 55,000 £; for which sum, the same Company, in the year 1858, bought two steamers from the plaintiff, which were given up by him in the same year, at the time of the purchase, respectively known as the (Clarendon) Africa, and (Ireland) Don Pedro.

2. And it appears by the said writing, that the defendants, the Directors and Manager of the Company, in its name, bound themselves to pay the plaintiff the above-mentioned sum of 16,100 £. in the space of eight years, by annual instalments of 12 per cent., paid every twelve months, at the end of the month of December of each of the eight years; and interest

at 6 per cent. on the capital, every six months, at the end of June and December. They delivered to the plaintiff 161 debentures of the Company, each of the value of one hundred pounds, in which the above mentioned form of payment was equally established on all; as also the said interest and the privilege of the credit of the plaintiff, was also acknowledged and declared in the contract, as more clearly is seen and appears in the writing referred to, the original of which is the Document No. 1, forming an integral part of, and being the proof of, this and of the preceding article, and of the others referring thereunto, and also a copy of one of the Debentures, Document No. 2, in the public form hereunto annexed.

3. It further appears by the said writing, that by the first condition of the contract of which it treats, it was stipulated that in case the direction should not remit funds to the plaintiff in satisfaction of the instalment and interest belonging to each six months before the first day of June and December of each year, it should be lawful for the plaintiff before it was due to draw a bill or bills on the Company for the amount of the instalment and interest.

4. That the Company having paid the instalments and respective interests until June 1861, but having neglected to remit the funds on the 1st of December of the said year, for the payment of the instalment and interest to fall due on the last day of that month, the plaintiff, in conformity with the first condition referred to, drew two bills on the Company for the amount of the instalment and interest, and 97*l.* 3*s.* 7*d.* more, which the direction, on the part of the Company, refused to accept, on the false pretexts on their protests that they had no funds of the plaintiffs in their hands, as can be seen and appears in their protest for non-acceptance, and is presented as an integral part of, and in proof of, this article in the original, accompanied by a legal translation, being Documents Nos. 3 & 4, hereunto appended.

5. That the sum of 97*l.* 3*s.* 7*d.* which the plaintiff included in the above-mentioned bills was the amount of money he had paid in London for account of, and by order of, the Company, and of which he sent an account to the Company, and of which he had sent an account to the direction, which is acknowledged, and in which he included the expenses of the bills in the form of the account here appended, the same as the one sent to the Company, being Document No. 5.

6. That by the fifth condition of the contract of which the said particular writing treats, it was expressly stipulated that if the Company should not pay the interest and amortisation therein stipulated, or should not accept the bills that the plaintiff drew, in accordance with the first condition, or should not fulfil any of the conditions, it should be lawful for the plaintiff at once to demand from the Company the total amount which the Company might owe him at that time, and also claim all losses and damages that might result to him thereby.

7. That by the non-acceptance of the bills, the case thus foreseen in the fifth condition referred to has occurred, and the plaintiff has a right to exact the payment of the whole of his credit, which, after deducting the three instalments paid by the defendants, amounts now to the sum of 14,100*l.*, and the interest due from the 1st of June of last year, 1861, and that which shall become due, until the effective payment and recovery of the whole capital.

8. That the defendants, on the part of the Company, did not fulfil the second condition of the contract, by which they bound themselves not to alienate or mortgage the vessels, or any other property whatsoever of the Company's, either in whole or in part, without previously consulting the plaintiff in writing.

9. That the defendants, in the name of the Company, raised a loan of 450,000,000 reis, mortgaging especially all the vessels and property of the Company, that being the loan to which the law of the 10th September 1861 refers, without having consulted the plaintiff, as they had bound themselves to do.

10. That by the non-acceptance of the bills and non-fulfilment of the second condition of the contract in the terms that were stipulated on the fifth condition, the plaintiff, beyond the right to exact the entire payment of his credit by those means, abolished the form of payment by instalments; the plaintiff has a right to claim and have from the Company the damages and losses which he has sustained in consequence of the non-fulfilment of the contract.

11. That they are real damages and losses that the plaintiff has sustained, and that by the said fifth condition he has a right to claim from the Company; these are in consequence of his being compelled to abandon important affairs which required his presence in London to come to this capital, in order to obtain the payment of his money; the expenses which he has been put to here, and travelling expenses here, both coming and going; the expenses of this case and of all other judicial questions that he may enter into with the Company on account of the non-fulfilment of the conditions of the contract, and to secure the payment and privilege of his credit; besides those which come within the rule of costs, as fees for advocates, and all other expenses he may make in sustaining the law-suit, or in executing the sentence in order to obtain payment of his money.

12. That the plaintiff has a further right to claim from the Company the expenses he may

may incur by the stay in this capital of Mr. Howe, a barrister of the tribunals of London, whom the plaintiff was obliged to bring with him, and to leave in charge of his affairs here, with the necessary powers to promote the institution and prosecution of the presentation, and of any others that may be necessary, and to furnish the necessary information for the purpose.

13. That the present action in the terms shown should be tried and proved, and the Company, represented by the defendants, be sentenced to pay the plaintiff 14,100*l.*, which it owes, with the interest of 6 per cent. up to the 1st July 1861, already due, and that which shall become due, until the entire payment of the capital, the sum of 97*l.* 3*s.* 7*d.*, and the commercial interest thereof from the date on which it was paid, declared in the account, Document No. 5, and that which shall become due, until it is paid; the expenses of the protests of the bills and the sum of the indicated damages and losses which in the executive shall be liquidated, and the commercial interest from the time when it is declared liquidated until the effective payment of the same; the pounds sterling being reduced into reis Portuguese money, according to the exchange verified by a certificate of a broker of exchange of this market, without any reference whatsoever to any other form of liquidation and costs. The plaintiff declares he will give up the debentures in the event of their being effectually paid by the Company to the amount yet due upon them.

The plaintiff further claims, that your Excellency will think fit to order that the said directors and gerente of the Company, as its representatives, should be cited to appear to the present action, and to speak to the state of the case until the issue, under the penalty of being non-suited, and according to the conditions of the 1,086 and 1,087 Articles of the Commercial Code, that they should appear at the institution of the action, to confess on their signatures to the Document No. 1, and of the liability of the Company which they represent, in accordance with the rules established by the same articles.

(signed) *W. S. Lindsay.*

— No. 19. —

COPY of DESPATCH from the Right Hon. Earl *Russell* to Sir *A. C. Magenis*.

Sir,

Foreign Office, 28 October 1862.

I DIRECTED Mr. Herries' Despatch of the 1st inst., reporting on Mr. Lindsay's case, to be communicated to that gentleman; and I now enclose for your information a letter which I have received from Mr. Lindsay, setting forth the grounds on which he considers that he is justified in requesting the interference of Her Majesty's Government in this matter.

Her Majesty's Advocate General, to whom I have referred Mr. Lindsay's letter, has reported that there is at present no adequate ground for any formal intervention on the part of Her Majesty's Government in this case; but you will watch the further legal proceedings which appear to be pending, and, if necessary, again report to me on the subject.

You will return Mr. Lindsay's letter and its enclosures to this Department.

I am, &c.

(signed) *Russell.*

Oct. 21.

— No. 20. —

COPY of LETTER from Mr. *Hammond* to Mr. *Lindsay*, M.P.

Sir,

Foreign Office, 28 October 1862.

I AM directed by Earl Russell to state to you that his Lordship has referred to the proper law adviser of the Crown your letter of the 21st inst., setting forth the grounds on which you request the intervention of Her Majesty's Government in your behalf, in regard to a suit in which you are engaged at Lisbon, against the Portuguese Company called the "União Mercantil," and I am to acquaint you that Lord Russell is advised that the circumstances of the case are not such as to justify the formal intervention of Her Majesty's Government in the legal prosecution of your claim—at all events, in the present state of the question; but his Lordship will instruct Her Majesty's Minister at Lisbon to watch the further legal proceedings in the case, and, if necessary, again to report to this office on the subject.

I am, &c.

(signed) *E. Hammond.*

— No. 21. —

COPY of DESPATCH from Sir *A. C. Magenis* to the Right Hon. Earl *Russell*.

My Lord,

Lisbon, 3 January 1863.

MR. LINDSAY, M.P., whose claims have been the subject of your Lordship's Despatches of last year to me and to Mr. Herries, has been here since the end of November.

Those claims are against the "*União Mercantil*," a Company formed here under royal sanction in 1858, for the purpose of establishing communication by a regular line of steam-packets between this capital, the Azores, and Angola, and incidentally against the Portuguese Government, for having permitted and sanctioned what Mr. Lindsay believes to have been a gross violation of the Statutes of the Company, and thereby causing loss and injury to the shareholders.

Your Lordship instructed me in your Despatch of October 28th, that Her Majesty's Advocate General, to whom you had referred Mr. Lindsay's case, was of opinion "that there is at present no adequate ground for any formal intervention on the part of Her Majesty's Government in this case," and I have accordingly abstained from strictly official interference with the Portuguese Government in the assistance which I have endeavoured to give to Mr. Lindsay.

I have, however, introduced him personally to the Duke of Loulé, who is the Minister of Public Works, the Department to which this question belongs, as well as of Foreign Affairs, and I have introduced him by letter to the Minister of Finance. I have also addressed several private letters to the Duke of Loulé, urging his Excellency to come to an amicable arrangement with Mr. Lindsay, who had offered to meet the Company and the Government in a very liberal and conciliatory spirit, in order to avoid what I thought might otherwise become a very complicated and embarrassing question.

I think it unnecessary to forward copies of those private letters to your Lordship, because I do not discuss in them the particular merits of the case, and only recommend its amicable arrangement as proposed by Mr. Lindsay, or complain of the delays which he had met with here.

The Duke of Loulé, after three weeks' delay, replied to my letters, in a private letter also, dated the 30th ultimo, going into the merits of the case, stating the grounds upon which he thought Mr. Lindsay's claims were against the Company, and not against the Government, and "this case is not of a nature to admit of official discussion between our two Governments."

I of course communicated that letter to Mr. Lindsay, and he addressed to me an answer to it, dated 1st January, which I communicated to the Duke of Loulé on the 2d instant, and copy of which I enclose herewith.

The Portuguese legal adviser of Mr. Lindsay, and the English shareholders whom he represents, presented on their behalf, in the month of October last, a very long protest to this Government against the illegal proceedings of the direction of the *União Mercantil*, and holding the Government responsible to those shareholders, in consequence of having permitted and sanctioned the alleged illegalities of the direction, and Mr. Lindsay has had this long document translated, and he requests me to transmit it to your Lordship, which I accordingly do.

He has also submitted it to five eminent lawyers of this capital, who give it as their opinion that the Government is responsible to those shareholders who protested, and I enclose copy and translation of their opinion.

I have submitted the protest and the above-mentioned opinion to the Portuguese law adviser of this mission, and he coincides in the opinion of his brother lawyers, provided the facts set forth can be proved, which Mr. Lindsay asserts can be done by the books of the Company, and I enclose copy and translation of this latter opinion.

I also enclose, in further elucidation of the case, copy of the Statutes of the Company.

I have communicated to the Duke of Loulé copy of the opinion which Mr. Lindsay had obtained, and his Excellency has since informed me he had submitted it and the protest to the law officers of the Crown. I am unacquainted with what their opinion may be, but it is probable that, if they do not disagree with the opinions I enclose, they will at least dispute the facts on which they are founded.

The

The entire case is now submitted to your Lordship's consideration, and Mr. Lindsay appears convinced that it is one which will call forth your Lordship's official interference.

In justice to Mr. Lindsay I must add, that although he appears to me to have been treated very unjustly by the Company, he has evinced a very conciliatory spirit, and desires at some sacrifice of his interests to arrive at an amicable settlement, a proposal which he repeats in his last letter of the 1st instant, a copy of which I communicated to the Duke of Loulé, and consents to leave his capital in the enterprise, provided the Company is reorganised.

I must also state, that at my request Mr. Lindsay met at my house Mr. E. Medicott, an English merchant of this place, and president of the direction of the Company, and that, as far as I could judge, he refuted completely the counterclaims brought against him by the Company, while he declared, that if it could be shown there existed an equitable though not a legal claim against him, that, as an English merchant and a man of honour, he would meet it in the fairest spirit.

I have, &c.

(signed) *Arthur C. Magenis.*

Enclosure in No. 21.

(4.)

(Translation.)

Sire,

WILLIAM SCHAW LINDSAY, Miles Strenger, William Tomkinson Riley, and John Bulley, British subjects, and shareholders of the Portuguese Company, "União Mercantil," respectfully come and petition your Majesty, and present their solemn protest and claim against the illegal, abusive, and arbitrary acts practised by the directors and manager of said Company in the administration and management of its transactions, and against the illegal, null, and unqualified way in which they proceeded at the sittings of the shareholders' general meetings, taken place in the evenings of the 15th April and 4th May in this present year, in order to inculcate, as an expression of the shareholders' votes, those resolutions pretended to have been there taken; the whole with manifest violation of the clearest and most express provisions of the Company's Statutes, and of the principles of universal right and justice, formal contempt and offence of the petitioners' rights, and most grievous damage of their lawful rights and interests.

For the better demonstration of the very just grounds for the petitioners' protest and claim, they will commence by succinctly narrating the circumstances that occasioned their being shareholders of the Company "União Mercantil," which will also serve for the better estimating and appreciating the directors' and manager's acts, whereof the petitioners complain, and which give place to their claim.

In 1857, the Royal Portuguese Steam Navigation Company still existing, its directors, Duarte Medicott, Fortunato Chamiço, junior, Joaquim Henriques Fradesso da Silveira, and Candido de Freitas Abreu, requested the first petitioner, William Schaw Lindsay, through the commercial firm of Pinto and Perez, of London, and through Augustus Ferreira Pinto Bastos, to sell them the steam-vessel named "Lindsay," at present possessed by the Company "União Mercantil," under the name of "D^a Estephania."

In August in the same year the said directors wrote to first petitioner, requesting him to come to this capital, so as to agree in a direct manner with regard to the contract and conditions for the purchase of said vessel, saying that the purchase of this vessel, and others they wanted, was of the greatest urgency to them.

Although the first petitioner had not the slightest acquaintance with the parties that made him that request, yet influenced by the information he had of them, he resolved to accede to their request, and in the following September came to this capital.

It was then that said directors communicated to first petitioner the project they had formed, conjointly with several other Portuguese merchants, of establishing a new company, instead of the Royal Portuguese Company, and for which they expected obtaining from the Portuguese Government a more advantageous concession, and that they desired to know whether the first petitioner would be willing to sell to the new Company some more of his vessels on the same conditions; they on that occasion agreed upon for the sale of the vessel "Lindsay," for the price of 19,000*l.*; the conditions being, that one-half of this price should be at once paid by means of credits on London, and that only on the payment being realised should the delivery of the vessel take place, and the other half in shares of that Company, or of the one that the directors desired to establish in its stead.

The first petitioner informed of the basis for the new Company, and it appearing to him that on such basis the enterprise would have the proper elements to maintain itself, and prosper under an economical and well-directed administration, he declared that he had no

doubt in selling to the new Company any of his vessels they might wish to buy on the same conditions as for the sale of the vessel "Lindsay," as far as the form of payment of the price of sale agreed upon for each of them went.

And said directors and the other Portuguese merchants, with whom they were in combination for establishing the new Company, showing the greatest desire that the first petitioner should figure in the proposal they desired for that effect, immediately to lay before the Portuguese Government, they thinking that it would be advantageous for them, so that the Government might be willing to accept the proposal, the first petitioner agreed to be one of the parties signing the proposal, which was effectively laid before the Portuguese Government.

After a delay of hardly four or five days the first petitioner left for London.

Said directors proceeded on in the negotiations with the Government for the establishment of the new Company, but the Government would not accede to accept the proposed basis, and required alterations on important points.

The alterations required by the Government having been communicated to the first petitioner, he declared that he did not accept them, because he considered them very unfavourable, and that he retired from taking any part in the establishment of the new Company.

The then ministers to the Portuguese Crown who showed the greatest desire that the establishment of the new Company should be effected, no doubt considered it convenient, if not even necessary, that the first petitioner should take a part in it, and that his name should figure in it, and the parties proposing its establishment manifested the same feelings, as they not only asked with the most pressing requests that the first petitioner should accede to accept the alterations presented by the Government; but, also, on its behalf, the then Minister of the "Public Works" honoured the first petitioner by addressing him several letters, inviting him and pressing him to accede to, and accept, the alterations with the modifications the Government did in them, and seeming to make the realisation of the establishment of the new Company depend on the acquiescence of the first petitioner, and assuring him that the enterprise being of great advantage to Portugal and its Government, it would be no less profitable for the interested parties.

The pressing requests of that minister on behalf of the Portuguese Government obliged the first petitioner to take part in the establishment of the Company, considering that he thus did a service to this country and to its Government, and that in its direct interference he had a secure guarantee for the funds he might place in the enterprise; and having been resolved by these circumstances, he answered that he acquiesced, and with the date of 16th March 1858, he constituted as his legal attorney, Manoel Perez Lozano, and in his absence, Francisco Antonio Flores, for either of them to draw up and sign in his name the constituição (institution), or instrumento (deed), for the establishment of the Steam Navigation Company, "União Mercantil," and for everything that might be necessary for its formation.

This power of attorney is found copied in the printed tract published by the Company's Board of Directors, containing the official acts of the Government, the contract with same, and the Company's Statutes.

The first petitioner's acquiescence seems to have removed the only obstacle the founders of the Company and the Portuguese Government thought was offered to its realisation, since so soon as there was a certainty of the first petitioner's lending himself to take a part in the establishment of the Company, the greatest haste took place in its realisation.

And thus, on the 3d May, in the said year 1858, the contract for the new enterprise was drawn up, and it was reduced to a public deed on the 5th day of the same month. On the 6th the royal decree was passed, declaring null and of no effect the concession granted to Low Brothers & Co., and to Theophilus Berney Philippon, and by these transferred to the Royal Portuguese Steam Navigation Company, and approving the contract for the establishment of the new enterprise. On the 11th of said month the Statutes of the new Company were reduced to a public deed; on the 14th approved by a Royal Decree.

The new Company being thus established, and its directors having towards the end of said month of May remitted to the first petitioner the credits for the payment of one-half of the price of the steam-vessel "Lindsay," in the form agreed upon, the first petitioner made an immediate delivery of her to the parties deputed by the Board of Directors to receive her, and the vessel entered the service of their lines under the denomination she has at present, of "D^a Estephania."

The Board of Directors requested the first petitioner to sell them two other vessels, the "Clarendon" and the "Ireland," pretending to make the important alteration, that instead of the immediate payment of one-half their price, it should be done in instalments at long dates.

The first petitioner did not accede to it, because such proposal was not in accordance with the one previously made him; that the sales of any other vessels should be guided, as far as payment went, by the conditions for the steam-vessel "Lindsay," it having been under this supposition that the first petitioner had declared that he was ready to sell to the Company any of his vessels.

Nevertheless, forced by the pressing requests of the Board of Directors, and of their agents at London, and by the desire of aiding the enterprise in the establishment of which he had taken part, and was already interested as a shareholder, he agreed to grant long dates for the payment of the price of the two vessels, and entered with the Commissioners

of the Board of Directors into a temporary contract for the sale, dated the 4th November in the said year 1858, dependent nevertheless on the realisation of the definitive contract; the price of sale being for the vessel "Clarendon," at present named "Africa," 25,000 £, and for the "Ireland," at present named "Dm. Pesho," 30,000 £, one half of those prices being paid in the Company's shares at their nominal value.

The first petitioner resolved coming to this capital, not only to agree in a direct manner with the Board of Directors upon the definite conditions and securities, but also for the better informing himself of the circumstances in which the enterprise found itself, and for assuring himself of the intentions of the Government with regard to the enterprise, and of the confidence he should set on the guarantee of said Government with regard to the larger funds he was about to employ in the Company.

The satisfactory answers he received from the then ministers to the Crown at the interviews he had with them, persuaded the first petitioner that he should have no doubt in treating with the Board of Directors for the definite sale of the two vessels, which was effected by deed on the 20th December 1858, in the notes of the notary public, Antonio d'Abranches Coelho, he stipulating that the form of payment for the one half the price of the two vessels payable in cash should be in six bills, accepted by the Board of Directors at 6, 12, 18, 24, 30, and 36 months' date, and the other half should be paid in the Company's shares at their nominal value, and establishing the especial mortgage of the two vessels, and other conditions of security and guarantee as found in said deed.

And thus the first petitioner received in payment of one half the price of the three vessels, 1,850 shares of the Company, and the Company by this means issued so large a number of shares, receiving at once their full value in the amount of the price of the vessels.

The second petitioner, Miles Strenger, and Henry Maugham, who is at present represented by the third petitioner, William Tomkinson Riley, had a share of interest in the three vessels, and the fourth petitioner, John Bulley, and George Western (deceased), a share of interest in the steamer "Lindsay."

As well on the occasion of the sale of the steam-vessel "Lindsay," as afterwards on the occasion of the sale of the other two vessels, "Clarendon" and "Ireland," the first petitioner declared to the Board of Directors the amount of shares that should be registered for each of the parties interested.

And effectively the Board of Directors did register with date of the 28th May 1858, to the parties interested in the vessel "Lindsay," the shares that belonged to each of them; and on the 23d January 1859, those belonging to each of the parties interested in the vessels "Clarendon" and "Ireland."

In result of that distribution the first petitioner, William Schaw Lindsay, became a shareholder for 1,266 shares, representing the capital of 25,000 £; the second petitioner, Miles Strenger, for 230, representing the capital of 4,600 £; Henry Maugham, represented by the third petitioner, William Tomkinson Riley, for 234, representing the capital of 4,680 £; and the fourth petitioner, John Bulley, for 46, representing the capital of 920 £; and the deceased, George Western, for 74, representing the capital of 1,480 £; the total number of shares being 1,850, and as such registered on said dates in the Company's books.

It was thus that the petitioners became shareholders of the Company; the amount of the 1,850 shares being at once fully paid, and each of the bearers of them acknowledged as a shareholder from the 28th May 1858.

The directors, Duarte Medlicott, José Antonio Pereira Serzedello, Joaquim Henriques Fradesso da Silveira, and Fortunato Chamiço, junior, and the manager Candido de Freitas Abreu, registered themselves shareholders for 300 shares each of them; Francisco Antonio Flores for 125, and Pinto and Perez for another 125; total 1,750.

Up to the 31st March 1861 no more shares were issued, so the Board of Directors declared in an account, in form of a balance-sheet, dated the 1st April, and closed on the 31st March in said year, whereof they sent a copy to the first petitioner, signed by the manager at the end of November.

In the above-mentioned account, the Board of Directors mentioned the number of shareholders that there were up to the date thereof, and the number of shares of each of them, and it is there found, Manoel José Ribeiro, as shareholder for 82 shares, transferred to him by Joaquim Henriques Fradesso da Silveira, on the same day that he had registered himself as a shareholder for the 300; as these 82 are registered to Manoel José Ribeiro on the same date, of 28th May 1858, when the 300 were registered to the former, Henry Roberts and Edmund Ellicott, as shareholders each for 20 shares, which were transferred to them by Duarte Medlicott and by Candido de Freitas Abreu; and Antonio M. d'A. C. e Brito for five, which were transferred to him by José Antonio Pereira Serzedello.

In contradiction with the declaration thus made by the Board of Directors in the account or balance-sheet, whereof they sent copy to the first petitioner, in the Company's books several shares appear registered to the directors on the date of 31st March 1861.

In October 1858 the Board of Directors agreed with the director Joaquim Henriques Fradesso da Silveira for the purchase from him of the steamer "Tejo," for 32,000 milreas, giving him in payment of the price 355 shares, but immediately afterwards they altered this agreement, substituting it by the one they effectively realised, and which was of the seller deducting 20 per cent from the price, which thus reduced to 21,000 milreas: the Board of Directors accepted his bills for that amount at 6, 8, 10, and 12 months' date, it not being therefore paid in shares, and the 355 continued remaining with the Company, as the others not yet issued, as they were not even registered to the selling director.

The Board of Directors did not mention them as issued, neither in the above-mentioned account or balance-sheet, nor on any of the occasions on which they spoke of shares issued.

This succinct narrative which the petitioners have done, will serve for the better estimating the illegality and arbitrariness of the acts practised by the Board of Directors, which they shall now narrate.

By the terms of the Article 33 of the Company's Statutes, no resolution tending to their modification can be taken by the general meeting unless the shareholders present represent one-half of the social funds.

From so positive and decisive a provision results, as a necessary consequence, that the alterations of the Statutes can only be made by a general meeting, and in which are present the legal number of shareholders, and that they do represent at least one-half of the social funds.

By the provision of Article 26 of the same Statutes, the general meeting can only be held as constituted when there be 30 shareholders present, representing a fourth part of the social capital; and only in the case that in the first meeting that number should not appear, and that it be therefore necessary to call a second meeting, does the Article 31st provide that on the second call the meeting may be constituted with 20 shareholders, whatever be the number of shares they represent.

Up to the 31st March 1861, the number of shareholders registered in the Company's books was only 16, and amongst them one for only five shares, who, therefore, could have no vote in the general meeting; and with such a number, in presence of the provisions of Article 26, the general meeting could not be constituted.

Nevertheless, the Article 30 providing that admittance be given to the holder of shares transferable by indorsement, and which he shall have caused to be registered in the Company's books 30 days previous to the one fixed for the sitting of the general meeting, and which shall be done in the terms and in the form therein declared, the circumstance might well be given, that the Board of Directors having called a general meeting, there should appear, either the number of 30 shareholders, so that it might be at once constituted by virtue of the first call, or at least the number of 20, so as to constitute a general meeting on the second sitting, in the terms of the Article 31, as the shareholders registered in the Company's books might have transferred part of their shares, or make such transference at the proper time, so that the legal number of shareholders might appear.

The circumstance that in the books the necessary number was not registered of shareholders to constitute a general meeting, either in the terms of the Article 30, or in the terms of the Article 31 of the Statutes, was not therefore a sufficient motive for the Board of Directors not calling a general meeting, that they might resolve on what, according to the Statutes, was of their special and privative competency, as that number of shareholders might appear in consequence of its call.

And when the meeting should have been called the first and second time, and at neither of them the necessary number of shareholders were to meet so as to constitute a general meeting, then it would become necessary to try to remedy this impossibility thus proved, of satisfying with the provisions of the Statutes, and in a meeting of all the parties interested establish their convenient alteration, and request their approval from the Government.

And so far did the directors and managers know, that notwithstanding that a sufficient number were not registered in the Company's books as shareholders to constitute a general meeting, it might appear, that in 1860, they projected calling a meeting, and to have it advertised in the English papers for the 28th day of May in said year, but which they did not carry into effect; and when, in the present year, they wanted one to sit, they distributed a part of their shares amongst their relations, employés, and friends.

In one of the Company's books, and in the beginning of which it is said that it is intended for writing therein the records of the sittings of the general meetings, several records of the sittings named "Sittings Extraordinary" are entered.

The first of these sittings therein-mentioned is said to have taken place on the 7th July 1858, figuring in it as chairman, the director, Duarte Medlicott; and as secretary, the one belonging to the Board of Directors; and as shareholders present, the five directors, the manager, Manoel José Ribeiro, and Francisco Antonio Flores, who is said to be there for himself, and as attorney to the first petitioner Lindsay, and as attorney to Pinto and Perez.

The character of a general meeting was not given to this sitting, nor was a president, vice-president, and secretary elected; and, in fact, in nowise could such a sitting have the character of a general meeting, as neither had it been preceded by a call in the form fixed in the Article 35; nor could it be constituted with that number of shareholders; nor, finally, had Francisco Antonio Flores a power of attorney from the first petitioner to represent him in a general meeting, as he only had the one the first petitioner had given him for drawing up the contract for the establishment of the Company; nor could the same attorney represent two shareholders, as it is expressly prohibited by the Article 28 of the Statutes.

The same thing happened on the following sitting extraordinary, that sat on the 27th of the said month of July, on the 2d and 4th August, and 5th November 1858, in all which sittings the same parties appeared; and Flores signing for himself, and as attorney of the first petitioner, and of Pinto and Perez, and Duarte Medlicott acting as chairman.

In the sitting on the 4th August, the motion of the director, Joaquim Henriques Fradesso da Silveira, that Manoel José Ribeiro, who already *de facto* took part in the works

works of the Board of Directors, be invited to be an effective director, and having as such all the benefits, was decided upon.

Such sittings can by no means be considered and qualified as sittings of the general meetings, as they are wanting in all the conditions required by the Statutes which constitutes the law of the company.

And the second and fourth petitioners, as also Henry Maugham and George Western, being already at that time registered as shareholders in the company's books, a general meeting could not be constituted without contempt of the law, and of the rights of these shareholders unless they were called for that effect.

And, in fact, those so-called "Sittings Extraordinary," were nothing more than sittings of the Board of Directors, to which the directors bethought themselves of giving that denomination.

But they at once manifested the thought which they afterwards so openly set into execution, of considering themselves with a right of ruling, by their own free will, the business of the company, despising and tramping under foot the provisions of the Statutes.

And then, at the already mentioned sitting of the 4th August 1858, they associated a director against the provisions of the transitory Article of the Statutes which fixed the Board of Directors as composed of five members, and against the provisions of the Article 45 of the same Statutes, granting to the general meeting the right of appointing the members of the Board of Directors.

At the time when the first petitioner was at this capital to treat with the Board of Directors on the definite sale of the two vessels "Clarendon" and "Ireland," and on the day, 15th December 1858, the sixth sitting extraordinary took place therein, entering the six directors and the manager, the first petitioner, and Manoel Perez Lozano as representative of the firm Perez, say of the firm Pinto and Perez.

It does not appear from the records of this sitting, that any information was given of what had taken place on the five former ones.

The first petitioner completely ignoring the Portuguese language, was not aware of anything but what was communicated and explained to him by the interpreter, and, therefore, though he should see the books of the minutes, he could not for all that acquaint himself with what was therein contained.

The said sitting on the 15th December could no more than the others be considered as a general meeting: as for that effect, it was wanting in the conditions required by the Statutes, seeing that already at that time the second and fourth petitioners, and Henry Maugham and George Western were registered in the company's books as shareholders, and should therefore be called for the sitting; and because there were not the legal number of shareholders.

For all that, yet, as the first petitioner represented the interests of the two other petitioners, and of Henry Maugham, and of George Western, at the above-mentioned sitting, there was not so much illegality as in the former ones. As it may well be said, that on that occasion (though not in the legal manner marked out in the Article 27 of the Statutes), there were represented all those at the time interested in the company.

At this sitting the following resolutions amongst others were taken.

1st. That the Company should not enter into new enterprises, nor in the purchase of new steamers, without the consent of the general meeting.

2d. That the Board of Directors were authorised to ask the Government's authorisation for the company's capital to be raised to 900,000,000 reis, and forming part of the capital to be increased, a third issue of shares up to the sum of 225,000,000 reis.

A seventh sitting took place on the 21st day, in the above-mentioned month of December 1858, wherein were present the same parties who had intervened in the former one, which took place on the 15th day; and in the respective record it is said that the first petitioner, William Schaw Lindsay, was chairman, and that the only resolution taken, on the motion of the director, Joaquim Henriques Fradesso da Silveira, was that at all the sittings of the general meetings, the secretary should present a list of all the shareholders.

It was on the 19th day of September 1859, that the eighth sitting extraordinary took place, formed of the directors; Medlicott, Ribeiro, Serzedello, Fradesso, and of the manager, Abreu, and of Edmund Ellicott; it being said that this last represented himself and the first petitioner, and Francisco Antonio Flores.

In the respective minutes, it is said that a list of the shareholders was presented, and that those present represented 3,475 of the 3,600 shares till then issued. A most inexact declaration, as besides it having been done on the false supposition that Edmund Ellicott had power from the first petitioner to represent him in such sitting, which is false, neither did those present at that sitting represent 3,475 shares, as the director Chamigo was absent, and the imagined representation of the first petitioner could only be for his 1,266 shares, from which it resulted that those present represented only 2,691 shares.

In the same minutes it is said that the motion of the director Manuel Jose Ribeiro, that the Government be asked for an authorisation for the company to issue policies, was resolved upon.

In December, in the same year, 1859, the first petitioner came to this capital, and by an invitation of the Board of Directors he intervened in a sitting that took place on the 24th day in the said month, which was considered a sitting extraordinary, and whereof a minute was drawn out in the respective book, making no reference therein to the former

resolution, and only of the resolution taken, that the insurance on the vessels be for only one-half their value.

On the 2d day of April 1860, a tenth sitting extraordinary is given as having taken place, intervening therein only the directors and manager, and Edmund Ellicott saying that he represented himself and the first petitioner, and Francisco Antonio Flores.

In the respective record, it is said that the manager proving that there were but 15 shareholders, he proposed a reform of the Statutes, and for that effect he presented the following reform:—

Article 29.—That the shareholder having 10 shares should have for them one vote, and for every 10 shares one vote; no shareholder having more than 120 votes.

Sole paragraph.—That the shareholder who, at the time of the general meeting, should be guarantee on his own responsibility for any amount raised for the company's use, should have, besides the votes on his respective shares, one extra vote for every 900,000 reis be guaranteed.

Article 31.—The necessary number of shareholders not appearing at the first sitting in accordance with the Article 26, a second sitting should be called, and the meeting shall be constituted with the number present.

This proposal was given as approved of, and it was resolved that it be reduced to a public deed, and the Government's approval to be asked for it.

The 11th and last of the so-called sittings extraordinary, took place on the 1st June 1861.

It appears from the respective minutes, that at that sitting were present the directors, Duarte Medlicott, who figured as chairman; Henry Roberts, Serzedello, Ribeiro, Fradesso, Ellicott, who said that he represented himself and the first petitioner, and Francisco Antonio Flores.

It is said that the Board of Directors had presented their report and balance-sheet, closed on the 31st March in that year, for the effects of the contract of the 5th January approved by the "Carta de Lei" (law) of the 30th March in the same year, and which guaranteed the minimum interest of six per cent. on the capital realised belonging to the company, and that the balance-sheet showed a profit amounting to 38,301,609 reis.

It is further said, that the Board of Directors proposed—1st. That a gratification for their work, up to the date of the balance-sheet, be voted to the directors, at the rate of 200,000 reis per annum for each of them, and to the fiscal directors and manager 600,000 reis likewise for each of them, and to commence on the 1st January 1860. 2dly. That the net proceeds of the profit and loss account be divided amongst the existing shareholders, up to the date of the said balance sheet. 3dly. That the shareholders, whose credits proceed from the profit and loss, should have same paid them in the company's shares. 4thly. That to shareholders, debtors to the company, the result of the profit and loss account should be met in their accounts, and that whenever a credit should result from this operation in their favour, the same to be likewise paid in the company's shares, as far as possible liquidating the odd amounts with cash to all the shareholders.

This proposal was approved of.

The directors, Medlicott and Serzedello, said that they were ready to receive the amounts of some bills they held on the company due, and to be dued in shares, and it was thus resolved.

The mere mention of such acts practised by the directors and manager of the company, evidence their illegality and inevitable nullity, and the scandalous contempt of the most important and express provisions of the Statutes.

And the petitioners thought it necessary to refer to the transactions at those sittings, entitled sittings extraordinary, that they might be duly valued.

By the provisions of the Article 34 of the Statutes, the sittings extraordinary of a general meeting can take place as often as the directors and managers may think fit, or whenever as many shareholders as may represent one-fifth of the company's capital may require it.

And by the provisions of the Articles 35 and 36 of said Statutes, the sittings extraordinary of the general meeting should be preceded by a call by advertisements, in the same manner as for the ordinary meetings. And by the provisions of Article 38, at every meeting the qualification of each shareholder shall be verified, that takes part in it; and by the provisions of the Articles 26 and 31, a meeting can be only legally constituted by the form therein declared.

Therefore, there could be no legal sitting extraordinary of a general meeting unless all the shareholders were called after the manner prescribed in the Article 35, and the legal number of them were to meet together.

As the petitioners have already observed, none of the sittings extraordinary which the Board of Directors desire to usher as having the character of sittings extraordinary of the general meetings, had the conditions of legality required by the Statutes.

None of them was preceded by a call through advertisements. At none of them were the legal number of shareholders present. At none of them were the provisions of the Article 28 of the Statutes observed, which does not allow an attorney to represent more than one absent shareholder; at none of them was the prescription of the Article 38 observed, which ordains that the qualifications of the shareholders be proved, as Edmund

Ellicott

Ellicott was admitted to vote for first petitioner without his having any power or authorisation from him; the same party also voting for Francisco Antonio Flores.

And the directors and manager can find no excuse for the illegality of such acts, neither in the circumstance of the first petitioner having taken part in some of those sittings extraordinary, nor in the circumstance that there was not the sufficient number of shareholders to constitute a general meeting in the form prescribed in the Statutes.

For the first petitioner took part in some of those sittings extraordinary without considering them as signifying sittings of a general meeting, a title that was not given them, and supposing that they were nothing more than meetings of the Board of Directors, wherein the parties interested had taken part by invitation from the Board for that effect.

Furthermore that, as already observed, at the meetings or sittings extraordinary at which the first petitioner assisted, there was no allusion or reference made to the former ones, whereby it might be said that the first petitioner had approved the resolutions taken at them, or had sanctioned his being represented, as Edmund Ellicott arrogated to himself.

Thus, from the intervention the first petitioner had in some of these sittings extraordinary, his responsibility for the resolutions on those occasions taken can only be deduced, but by no means that thereby he was bound to approve what was done at the other sittings to his perfect ignorance, and figuring at them a false attorney in his name.

None of the resolutions taken at the sittings extraordinary, wherein the first petitioner took part, can be said to be acts exclusively belonging to a general meeting, except the one for the increase of capital of the company's taken at the sitting of the 15th December 1858.

But when the petitioners mentioned that sitting, they observed that at that sitting those then interested in the company were all present or represented, as the first petitioner was effectively authorised by those interested along with him in the three vessels, and consequently as it could not be considered as a resolution taken by a legal general meeting of the shareholders, it could nevertheless be reputed a resolution of all the then interested parties of the company.

The same did not happen with regard to the resolutions taken at the other sittings, wherein the name of the first petitioner was represented by a party who had no power for that effect from him, and who did not even present himself as representative of the petitioners, Miles Stringer and John Bulley, and George Maugham, and George Western, who were all shareholders, and with large number of shares, with votes at a general meeting, and as such registered in the company's books.

From the illegality with which the increase of the company's capital may have been voted, could not result, nor did it effectively result, any loss to the company, or to the shareholders, as no issue was made of the respective shares for that increase, nor could this issue take place without all the shares belonging to the primitive capital having been previously issued, and of which many are yet unissued.

And given that the shares of the increase of capital were issued, that would be a favourable circumstance for the company and for the shareholders, as it would indicate that the company thought itself in a prosperous state.

The circumstance that there was not the legal number of shareholders to form a general meeting, could by no means justify or excuse the illegality wherewith the directors and manager pretended to constitute *de per se* a general meeting, or to arrogate to themselves its attributes for revoking or altering the most important provisions of the Statutes, injuring the rights of the other shareholders, and establishing innovations hurtful to their interests and to those of the company; some of them at once in manifest benefit of the directors and manager, and others with the idea of qualifying themselves for securing to themselves an arbitrary administration of the company's business.

In fact, against the express provision of the Article 33 of the Statutes, which does not permit their being modified but by a resolution of a general meeting, formed of shareholders representing at least one-half the social funds, the directors and manager, at the sitting extraordinary of the 2d April 1860, proposed and deliberated upon the important alterations which are already mentioned when referring to the details of the minutes of that sitting extraordinary.

The directors—Duarte Medlicott, José Antonio Pereira Serzedello, Joaquim Henriques Fradesso da Silveira, and the manager, Candido de Freitas Abreu—had each taken 300 shares, and Francisco Antonio Flores 125. The directors, Manoel José Ribeiro, Henry Roberts, and Edmund Ellicott, represented as shareholders with the shares that some of the former had transferred to them from the 300 they had taken.

And thus, even that the director Edmund Ellicott did legally represent Francisco Antonio Flores, the shareholders present, and Flores represented by Ellicott, would only represent 1,625 shares, or a capital of 146,250,000 reis, which is not only far inferior to the company's primitive capital, but even inferior to one-half the amount of the capital of the shares issued.

It was doubtless to elude this provision of the law and its irritating clause of nullity, that they represented the first petitioner as being there represented by Edmund Ellicott, who lent himself to figure as representative of the first petitioner, so as to sanction resolutions which brought so direct an injury on him.

But Edmund Ellicott had no such representation, and the other directors had a certainty thereof, as they well knew that the first petitioner had never given him any

power of attorney to represent him in sittings of the general meetings, ordinary or extraordinary.

The petitioner had by a letter authorised Edmund Ellicott to represent him, and to take care of his interests, but only and restrictly with the Board of Directors, and not to represent him in any general meeting.

And so much so that the manager, Candido de Freitas Abreu, writing to the first petitioner, dated 17th March 1860, and communicating to him that the Board of Directors had resolved to call a general meeting of the shareholders for the 28th day of May in said year, and charging him with the publication in the "Times," and in some other English newspapers, of the advertisement he sent him, he added that he was charged with making him thus acquainted thereof, that the first petitioner and the other parties interested who reside in England might have time to send, if they liked, the necessary powers of attorney, so that they might be represented at the said general meeting; adding, that a letter of authorisation was not sufficient.

It is, therefore, evident that the directors and manager were aware that Edmund Ellicott had no powers from the first petitioner to represent him at any general meeting, and that the manager asked him to give them to somebody.

And it was with reference with this projected sitting of a general meeting for the above said day 28th May, that the first petitioner wrote to Edmund Ellicott a letter declaring therein the meaning with which he authorised him to vote.

The sitting not having taken place, the authorisation was at an end.

And said Ellicott not being able to say that he was authorised by that letter to represent the first petitioner at the sitting extraordinary of the 2d April 1860, which could not have the character of a general meeting when it was advertised for the 28th May following, nor even could Ellicott at that date of 2d April have yet received the first petitioner's letter.

Thus, therefore, was the resolution for the alteration and reform of the Statutes taken at that sitting extraordinary manifestly illegal, and of an incurable nullity; with it nothing could be done, nor could it receive the approval from the Government without contempt of the law of the statutes, and most grievously offending the rights and lawful interests of the petitioners as shareholders.

Indeed, the first petitioner having by the Article 29 of the Statutes the right of having 126 votes at the general meeting because he was a shareholder of 1,266 shares, how could he be deprived of that right unless said Article were revoked or altered by the legal means marked out in the Statutes?

The Article 29 of the Statutes does not allow any shareholder to vote at a general meeting, but in relation to the number of shares he holds, corresponding one vote to every ten shares; therefore against this express provision the directors and manager would introduce that the shareholders who were guarantee for any sum raised for the company's use should have the right of voting, having a vote for every 900,000 reis guaranteed.

And thus they pretended establishing this much for their private interests; as they, figuring as guarantees for the sums they raised in the company's name, would thus secure for themselves a larger number of votes, and thereby overruling the resolutions that might be taken at the meetings.

And it was, perhaps, so as to prepare themselves by this means for the general meeting they had called, that they hastened to take such illegal resolutions instead of waiting to present them at the general meeting, which finally they did not realise.

And nevertheless these very important alterations that the directors and manager wanted to make in the Statutes was one more powerful motive to urge them to procure the realisation of the sitting of the general meeting, to which was added another no less strong motive, which was, that they had to submit to the approval of the general meeting, the proposal they had made to the Government in the petition dated the 26th March in the same year 1860, and which they could not contract for with the Government without previous authorisation from the general meeting unless offending the Statutes, and with abuse and illegality.

But the Board of Directors understood that they could in every thing do and undo as they pleased, as though the directors and manager were the only parties interested in the company.

It was thus that without consulting the general meeting, and without submitting to the approval of such meeting and obtaining therefrom the needful authorisation, the directors and manager celebrated with the Government the additional contract of the 5th January 1861.

And they did not even have this contract preceded by a phantom of authorisation, treating this object at some of those sittings extraordinary which they otherwise tried to make appear as having the character of an extraordinary general meeting.

By the express provision of the Article 39 of the Statutes, the Board of Directors was obliged to call the first ordinary meeting in the month of February following after the company had had one year of existence.

Therefore, the Board of Directors could not neglect calling the ordinary general meeting for February 1861, without violating so positive a provision of the Statutes.

And for not neglecting so to do another circumstance occurred, that of the Board of Directors soliciting from the Government an advance of money, and so as to realise the contract they needed, the authorisation of a general meeting for it.

Besides

Besides which, the company having began to exercise its enterprise in 1858, two years and a-half had gone by, and the Board of Directors needed presenting the accounts of their administration during that long period of time.

The Board of Directors unheeded and despised all this, by not calling the ordinary general meeting, nor even an extraordinary one, as though the directors and manager had no other law but their own will and caprice.

Instead of the ordinary general meeting, the directors and manager held one of the so-called "sittings extraordinary" on the 1st June 1861, composed solely and exclusively of the directors and manager, with the exception of Fortunato Chamiço, junior, who from the end of the year 1859 had retired from the Board, not taking any part in their acts.

And at that sitting, as appears from the respective record, of the contents whereof the petitioners have already made mention, they presented to themselves the report and balance-sheet up to the 31st March in that year; and although they did not remember then to declare them approved of, nevertheless they afterwards gave them as approved, as the petitioners hereinafter shall prove.

They did not arrest themselves here; they carried further on their arbitrariness, as they voted to themselves the gratifications that appear from the respective minutes, the contents whereof the petitioners have already mentioned.

The Article 24 of the Statutes provides—The Board of Directors shall have no salary until a general meeting shall determine to the contrary in presence of the results of the enterprise; the manager shall have a commission, which shall be fixed by a general meeting.

Though the provision of the law were not so express and determined, decency and morality asked that the directors and manager should not vote to their own selves gratifications, which signified the approval of their acts of administration and their good results for the company.

But the directors and manager pledged themselves to present a new and never seen proceeding in their administration and management of any company—the company are ourselves—and here the thought wherewith they showed by their acts that they were ruled.

And so as not to fix any limit to their arbitrariness, they having said at the said sitting extraordinary that the gratifications would commence being due on the 1st January 1860, they afterwards had them credited to themselves from 1858, as is easy to be seen from the accounts of each of them entered in the company's books.

Since to those who as simple should only have an annual gratification of 200,000 reis, is found in their respective accounts, under title of gratification up to the 31st December 1861, the sum of 880,000 reis, and thus in the same proportion to the fiscal directors and manager.

At this sitting extraordinary there is still another resolution found taken by the directors and manager, which confirms the exactness and truth of the appreciation the petitioners have now made of their acts; they resolved that the credits of the shareholders resulting from profit and loss should be paid them in the company's shares, thus determining a forced capitalisation of interests which they on that very occasion had declared were guaranteed by the Government to the shareholders; it is a way of issuing shares different from the one established by the Statutes.

The month of February in the present year arrived, and still the Board of Directors understood that they could continue despising the determinations of the Statutes, neglecting to call a sitting of an ordinary general meeting for that month.

However, an occurrence induced the directors and manager to change plans.

In January in the present year the first petitioner came to this capital to claim from the Board of Directors the fulfilment of a contract they had effected, and which the directors did not fulfil; and on that occasion he wrote to the Board of Directors asking them explanations on sundry items of the accounts closed on the 31st March 1861, whereof he had received a copy at the end of November signed by the manager.

The Board of Directors who had taken the resolution of warring against the first petitioner, and who did not wish to give him the explanations he asked for, they had recourse to the shift of putting him off for a general meeting that was to take place.

It was thus that the Board of Directors resolved to call a meeting, say, to call a sitting of a general meeting for the 15th day of April.

But the Board of Directors was conscious of the illegality and arbitrariness of their acts, not to desire exposing themselves to the resolutions of a general meeting without preparing a means of securing at such a meeting votes that, in spite of the law, of justice, and of morality, would approve whatever they might wish to be approved.

Therefore, the directors and manager formed their plan, and began immediately to put it into execution, now having some of their shares registered to their relatives, clerks, and friends, now making efforts for some of them to take shares in a way to make sure a number of votes in their favour that might warrant their victory.

As they had the company's books at their disposal, they could have the registers entered on the dates they thought best, as the registers are not found in the respective book in a running order; each register is separately entered on one of its sheets.

And the petitioners do not know whether the gaps are already filled up which were found in many of the registers even after the sitting of the general meeting, on the 15th

April; and especially in those said to have been done in January of the present year, as they had neither day nor month declared on them.

The Board of Directors had recourse to another expedient for the better preparing themselves to approve all their own acts at the general meeting.

By the provision of the Article 41 of the Statutes, the Board of Directors was obliged to have the balance-sheet, their opinion, and report they should present to the general meeting, ready and printed, and distribute them among the shareholders who might ask for them, 15 days previous to the one fixed for the sitting of the meeting; and, during that period of time have the company's books open at its offices, so as to be examined by the shareholders who might choose so to do.

The Board of Directors had no scruple neither in despising the provisions of this Article of the Statute, as it did not suit them that the books should be examined; and increased their contempt of the law with the manner in which they proceeded with the attorneys constituted by the petitioners to represent them at the general meeting.

For the first petitioner's attorney having gone during that term of 15 days marked in the Statutes, to the company's offices asking to be allowed to examine the books, he was formally refused it, on behalf of the Board of Directors, under the pretext that by the above said Article the examination was allowed only and exclusively to the shareholders in person. And the first petitioner's attorney having laid his protest before the Court of First Commercial Appeal of this city, and which was legally brought to directors' knowledge, these latter, in their contra-protest, founded their refusal on the above said grounds.

The attorneys to the second, third, and fourth petitioners, did likewise go to the company's offices and presented the powers of attorney they had received from their constituents, so as to represent them at the general meeting, to the manager, and asked for a copy of the balance-sheet, opinion, and report, which, in compliance with the law, the Board of Directors should have had printed, so that after becoming acquainted with those papers the books might be easily examined; but to each of them was answered, on behalf of the Board, that the required copy of such papers could not be given to them as they were not yet printed; and they were told that the Board of Directors would send them to them so soon as their printing was done, and before the sitting of the general meeting, but which was not done.

It was only on the occasion of the sitting of the general meeting that the Board of Directors presented the printed copies of the balance-sheet, their opinion, and report, which were distributed amongst the shareholders present, and to the attorneys of those absent; and, nearly at the end of the sitting, a printed list of the shareholders was also distributed.

So soon as the chairman and secretary were elected, and the secretary to the Board of Directors had read the report and opinion, one of the directors proposed that a commission be named to report on the balance-sheet and report, seeing that they were unknown but on that occasion.

And, because the petitioners' attorneys required the observance of the provisions of the Articles 42 and 43 of the Statutes, on the part of the Board of Directors, and of those parties who charged themselves with defending, at all hazards, the directors' pretensions, a heated discussion took place, it being claimed that the provisions of the law should be put aside.

But this discussion made them abandon their determination of thus over-ruling the law; however, they tried to sophisticate the law, and that the idea should not appear in the minutes that the appointment of the commission had originated in the balance-sheet not having been approved of, so that the directors' caprice might be satisfied.

The attorneys to the petitioners laid before the meeting the refusal that the Board of Directors had made to the first petitioners' attorney, of allowing him to examine the books, and which refusal they had virtually made to the other attorneys, observing that the Article 27 of the Statutes providing that the shareholders who were absent might be represented by their attorneys, whether such attorneys were or were not shareholders. It was not possible that the law should deny to the attorney who had to vote for the shareholder, his constituent, the examination of the books, whereby he could only qualify himself to give a conscientious vote.

And indeed it being a principle and rule of hermeneutics that no law can or should be understood in such a way that from it contradiction and absurdity should result, palpable contradiction and manifest absurdity would result from the meaning that on behalf of the directors it was pretended to be given to the provisions of the Article 41 of the Statutes, as if it were not allowed to the attorney of an absent shareholder the examination of the books, so as to confer them with the balance-sheet and accounts, how can he give a conscientious vote, and with the necessary knowledge of the cause?

The petitioners' attorneys did also lay before them that in the Article 41 of the Statutes there was no expression that could mean the restriction that the Board of Directors pretended to attribute to it, and that neither by right nor by good sense could it be understood as there established, for as much as the expressions, that they may be examined by all the shareholders who may wish to see them, included the shareholders present as much as the absent; and Article 27 giving to these the right to have themselves represented by procuration, it is a legal consequence that by the intervention of the same they have the right to examine the books as a preparation for voting.

Nor

Nor can the means necessary for a proper vote be denied to the person who is admitted to the same in another's name.

And that, finally, in the disposition of Article 41, no declaration can be found that the examination can only be made by the shareholders themselves; when once the absent shareholder can be represented by procuration, according to the especial disposition of Article 27, the holder of the procuration was a competent and lawful person to exercise the rights of the shareholder he represented, in what regards the general meeting and the votings that took place at the same; and, according to the principles of right, the disposition of the law cannot be considered as annulled by a general disposition of the same, if express and especial mention of this annulment is not made.

Therefore, as in Article 41, it is not declared that to procurations of the absent shareholders should be forbidden the exercise of the right of the shareholders they might represent to examine the books; by it it cannot be understood that such prohibition is established.

A vote having been proposed whether the directors could, or could not, refuse to the procurations of the absent shareholders the examination of the books during the period in which the law allows it for the shareholders to prepare themselves for the votings at the general meetings; and the petitioners' attorneys finding that the members of the Board voted on the question thus put, they also, on their part, voted negatively, and with them voted the representatives of Pinto and Perez, and Francisco Antonio Flores.

The Board, or chair, however declared it was carried that the directors could refuse the examination of the books to the representatives of the absent shareholders, by 212 to 197 votes.

As the petitioners' representatives could not obtain a knowledge previously of the number of shareholders and votes they represented, and could not on this account verify, at that moment, if the declaration made by the chair was exact as to the result of the vote; for this reason they, on that occasion, confined themselves to protesting against it, sending to the chair their protest in writing; and demanding that it should be attached to the note of the proceedings.

Everything that thus passed at the sitting of the general meeting on the night of the 15th of last April, was in the presence of the commissary, and fiscal of the Government attached to the commissary.

The representatives of the petitioners had ascertained that at that general meeting were not present, or represented by procuration, the shareholders, Visconde de Monforte with 20 votes, nor George Western with seven votes; and also that at the time the said voting took place some of the shareholders who had come had left; and, confronting the result of the voting declared by the chair with the list of shareholders presented by the directors, they ascertained that the said declaration was entirely inexact, for there could not be 409 votes in the meeting, as was necessary for the result to be 212 votes against 197; nor could the result of the voting be what was announced by the chair.

Therefore, as there could not be more than 382, as the 20 votes of Visconde de Monforte and the seven of George Western were missing, and 192 being the majority of the 382 votes that there could only be at the meeting, the decision must have been in the negative, for in this sense voted the petitioners' representatives, and those of Pinto and Perez, and of Francisco Antonio Flores, who signed the above-mentioned protest, and which ought to appear in the proceedings; for this reason, without counting to the first petitioner more than 120 votes which were given him in the list of shareholders, instead of 126 which he had a right to for his 1,266 shares, there would have been 197 votes in the negative against 177 in the affirmative, and on this account the decision must have been for that (negative).

At the second general meeting, which took place on the 14th May, at night, after the reading of the minutes of the sitting of the above said meeting, one of the petitioners' representatives stated the inexactness with which the chair at the former meeting had declared that the decision had been carried in the negative, by counting votes which were not in the room, and by not declaring the decision such as it really ought to be considered, as by the minute it was clear that only 177 votes were negative.

The chair, however, declared that the declaration of the votes was exact, for to the 177 votes of the shareholders who voted in the negative, were to be added 35 votes corresponding to 355 shares of the company, mentioned in the list of shareholders which were given by the director, Duarte Medlicott, which made the number of 212; which it had been declared had made the decision in favour of the negative or refusal.

Against this outrageous proceeding of the Directors, and certainly never witnessed in the history of any company in the world, for one of the Board to take to himself the right of voting in the name of the company, and with votes corresponding to a certain number of shares not yet issued, the representatives of the petitioners protested, but in vain.

The Board of Directors had prepared the field, and could dispose of all the votes in compact order, excepting those of the petitioners, and Pinto and Perez's, as the new representative of Francisco Antonio Flores leagued himself with the directors.

But this majority of the meeting could not give a legal existence to an act repugnant to law, and to all the true principles of right, reason, and good sense, and incompatible with the nature and dispositions of a company.

The defenders of the directors wished to maintain the legality and competency with which the director, Duarte Medlicott, voted, according to his votes as a shareholder, with the 35 votes corresponding to the 355 shares, saying that these had been issued, and as such had reverted to the company and were in its possession; and that that director, in

his position of president (a person not known by the Statutes), was the competent party to vote in the name of the company. The simple mention of such an argument shows at once how repugnant it is to good sense, and does not deserve the honour of sophistry.

The petitioners have already stated what took place respecting the purchase of the boat "Tejo," made by the directors to the director, Joaquim Henriques Fradesso da Silveira, and showed that the first agreement being broken, and a different form of payment being established by the second, the emission of the 355 shares never was realised.

The emission of shares is realised by the payment which the subscriber or taker of them makes of their amount in the manner allowed him; so much so, that the subscriber who has to pay by calls, if he fails to pay any of them, loses his right to what he had paid, and to the shares for which he has subscribed; and the Board ought to sell them by auction, the purchaser replacing the primitive subscriber in all rights anterior to the forfeit, as is expressed in Article 10 of the Statutes.

It is therefore perfectly inexact that the said 355 shares were ever issued.

It was only when the Board resolved to seize every means, even the most repugnant to law and morality, to prepare a vote that would answer the approval of all their acts and their continuation in the administration and management of the affairs of the company, that they thought of presenting the said shares as emitted.

Neither at the sittings extraordinary, to which the directors wished to give the character of extraordinary sittings of the general meeting, nor in their reports and petitions to Government, nor, finally, in the accounts, in the shape of balance-sheet, dated 1st April 1861, of which copy was sent to petitioner, did the Board think of considering those shares as issued, nor in the said sittings take account of the votes corresponding to them, and the member of the same Board called a president did not vote with the said shares.

However, if without offending the dispositions of the Statutes and the principles of law and sound reason, it could be admitted that the 355 shares ought to be considered as issued, although none of the capital which they represented had been received by the company, not having been, too, registered in any one's favour in the company's books, how can it be admitted that one of the directors could, at the general meeting of the shareholders, vote in the name of the company with the 35 votes, corresponding to the said 355 shares? Where can the Board find any argument to take on themselves the representation of the company at the general meeting, for the purpose of one of their members voting in the name of the company?

The real representation of the company lies in the general meeting of the shareholders, and the directors and manager are only delegates of this representation in its absence for certain and fixed purposes, and, as such, ought to give it an account of their acts, and submit them to their approval; how then, without the greatest aberration from good sense, can this singular representative be admitted in the presence of the true representative of the delegate in the presence of the party delegating?

And how, finally, without the greatest absurdity, can the company be considered its own shareholder as to these shares and not as to the other not issued, and any one vote as a shareholder for the company at the general meeting of the shareholders?

And which are those 355 shares amongst the 698 which remain to be issued, and which form a part of the 5,000 representing the primitive capital?

Till the day of the second sitting of the meeting, in the company's books the numbers of those 355 shares were not designated, although they figured in the list of shareholders.

Nor in the amount belonging to the director, Joaquim Henriques Fradesso da Silveira is the slightest indication to be seen that at any time the said 355 shares belonged to him and were registered in his name, with a designation of their numbers, without which the emission of certain and fixed shares could not be made.

It was, therefore, with a manifest violation of law, and of the principles of right and morality, and a perfect abuse, that the Board, in order to insure the result of the votes at the general meeting, seized on the 35 votes in the name of the company, making one of their members vote with them.

It was by this illegal and arbitrary proceeding that, at the first sitting of the meeting were given as carried in the sense the directors wanted, the votings which took place, when the real decision was just the contrary.

Such decisions were manifestly illegal, and irreparably null; and equally null were those which took place at the second meeting, as the 35 votes given by Medlicott in the name of the company entered in them.

At the first sitting of the general meeting, on the night of the 15th April, a commission had been named to give its opinion on the report and balance-sheet presented by the directors; and, with the exception of the president of the meeting, one of those chosen on the commission, all the other members of it, the directors so arranged, were relations or employéés of some of the directors or their friends.

It was the first sitting of the general meeting of the company; there had been none, either ordinary or extraordinary.

And therefore until then, the Board not having presented to the general meeting and submitted to its approval any accounts, report, or balance-sheet, they were bound to present them at that meeting, these documents comprising all the acts of the administration, and management, and doings of the company since its foundation.

The report, answer to same, and yearly balance, of which Article 18 of the Statutes treats, has reference to the ordinary meetings which may take place after the first, and which the Article 34 determines in the Statutes shall take place in February of each year.

For

For the case of the first sitting of the ordinary general meeting the disposition of Articles 39, 40, 41 rules; the last article determining that, the Board being constituted, the directors shall make known all the transactions of the Company by means of a report, and shall present the respective balance, accompanied by a report and statement.

Nor could it be otherwise, without a perfect opposition to the dispositions of the law, and a manifest absurdity.

The law requires that all the acts of the directors, all the proceedings of the Company, accounts and balance of the same, be submitted to the examination and approval of the general meeting.

How could the general meeting judge and vote on acts, proceedings, and accounts of which it had no knowledge; how could they vote with a proper knowledge, and conscientiously, about acts, proceedings, and accounts of the last year, without being acquainted with those of former years, on which they necessarily depend and originate from, and with them those of the last year are leagued?

The Board had confined themselves to presenting at this first meeting a report, statement, and balance referring only to the year just ended, from 1st April to 31st March 1862, failing to comply with the precept of Article 41 of the Statutes.

This same report and statement, so meagre and defective that in them the directors did not mention important acts which they had practised during this year, as, among others, the fact of their establishing a gratuity to the directors and manager, and paying themselves the same; the manner in which they disposed of the loan of 450,000,000 reis which they arbitrarily solicited and obtained from the Government; and to what were applied the 199,535,312 reis that, besides the loan, they declared the Government had advanced, or on what terms and conditions the said loan was made.

And the balance sheet so made out that the real state of the Company could not be perceived.

For the Company's vessels appearing for the enormous value of 831,780,849 reis on the active side, which is far superior to their cost, with an equal exaggeration in the boats, buoys, and cables; neither in the report of the manager, nor in the report of the Board of Directors, is anything said that can explain such a difference.

And also these figures in the passive the sum of 4,669,876 reis, under the name of reserve fund; nothing can be found in the report and statements that explains this matter.

Article 13 of the Statutes determines that every year 10 per cent. of the net profits shall be taken from the Company's receipts, and shall be applied to form a reserve fund, which shall not exceed 14,000 milreas.

But neither from the report nor the statement can it be inferred that there were net receipts from which to deduct the amount for the reserve fund, neither if it referred to the year to which the balance was limited or to the previous ones.

And if in effect there was a net profit from which to deduct that amount from for the reserve fund, how did it figure in the Company's passive.

The petitioners could point out many other deficiencies, and which are visible by the analysis of those papers; but limiting themselves to what they have pointed out, as they are sufficient to justify their assertions, and because they wish to diminish as much as possible the extent of their expositions.

It was impossible for any shareholder who wished to obtain an exact knowledge of the acts of the Board of Directors, of the proceedings and state of the Company, to acquire it by the report, statement, and balance sheet; and to search for it in the examination of the books without a balance and accounts which might serve him as a guide, although well acquainted and clever in book-keeping, he could not place himself in a position to judge the accounts of the Company, except by a constant, assiduous, and long examination of several months.

The commission might have taken the trouble to examine the books, and assisted with the information and explanations the directors, manager, and secretary might give, thus supplying in some measure the defects in the report, statement, and balance, and then present in its answer some data by which the meeting could obtain some knowledge of the acts and proceedings of the directors and transactions of the Company, so that it might be able to appreciate the balance sheet.

Although in this way the fault of not presenting the balance and accounts of the previous time would not be remedied, however some plausibility might be given to the approval of the balance and acts of the Board.

But the answer of the Commissioners was just as the Board of Directors wished it to be.

The Board of Directors wanted to cover with the balance of the last year, and with its respective report and answer, all the anterior acts and transactions, and that without their being known to the meeting they might be implicitly approved by the approbation of the balance of the last year; and the commission blindly subjected themselves to this wish, and gave in to the result the Board wished to secure.

The report of the commission presented at the second meeting was nothing more than an extract of the report of the manager, and of that of the Board, mixed up with eulogiums to the Board, and studied expressions, giving still greater latitude to the arbitrary conduct of the same.

And whilst on one hand the commission judged that it ought not legally to examine and appreciate the acts and transactions anterior to the year, referred to in the report,

observations, and balance sheet, on the other hand it proposed the approval of the gratuity to the directors and manager of which they had not spoken in their report, and which they had established for themselves in the absence of the general meeting, and without these having been voted.

The answer of the Commissioners having been read at the second sitting of the meeting, and a debate opened on the same, one of the representatives of the petitioners stated that it was impossible to approve the partial balance presented by the Board of Directors, for it did not satisfy the express precept of Article 41 of the Statutes, neither could this partial balance of the last year be approved without showing that the balances respecting the previous years had been approved by some other meeting, with which the one now presented by the Board must necessarily be connected and leagued.

He further stated that neither in the report of the manager, or in that of the Board, nor in the answer of the commission was mention made, or any allusion to the acts of the administration, and management, and transactions of the Company from its foundation to the 31st March 1861, and that the meeting neither ought or could, laying aside the dispositions of the Statutes, which were the law, which ought to regulate their proceedings, approve blindly, and to condescend to the will or caprice of the Board; the acts, the accounts previous to these, of which not the least information was given them, and therefore they could have no knowledge of them, and that this blind approval, and without knowledge of the case, would virtually be given by the approval of the report of the commission, and therefore of the partial balance presented.

He argued the illegality and laying aside of the express disposition of the Statutes, with which the Board of Directors, without previous authorisation and approval of the general meeting, and without seeking by means of a convocation the meeting of the same, had made contracts with the Government, soliciting from it alterations, negotiations, and the substitution of important dispositions of the same Statutes, had contracted a loan, and the directors had established for themselves premiums of guarantee, bonus gratuities, and other individual advantages.

He argued also on the abuse and arbitrary act of the directors in appreciating the bonus of 60,000,000 reis granted by the Government to the Company, and also that a person was maintained as a director who could not be considered even a shareholder, as he had made the deposit required by Article 22 of the Statutes of shares really belonging to him.

He argued and stated the many other illegal acts practised by the directors, and the loss which resulted to the shareholders from the same.

The commission through their secretary confined themselves to answering that they had examined the books, nor entered into the appreciation of the acts of the directors previous to the 1st April 1861, as the mission with which they were charged was restricted to giving an opinion on the report and balance presented, and which referred only to the last year from the 1st April 1862, as if it were possible to appreciate them without an acquaintance with the anterior acts, balance and accounts.

The directors and their zealous defenders could not suffer that the petitioners' representatives should thus invade the field of the anterior acts and accounts which they proposed to themselves should be approved in a lot, and blindly, without being examined, showed in every way their impatience, not hesitating to resort to insult and sarcasms as a means of provocation.

Finally, the petitioners' representatives demanded that on the question of the report of the commission, the directors and manager should not be admitted to vote, as they could not be their own judges.

The directors sneered at the petitioners' representatives, and declared that they would vote. The chair did not listen to the petitions of the petitioners' representatives, and admitted the directors' votes. And thus with their votes, and with those of their manager's, and adding the 35 votes for the 355 shares belonging to the Company, given by the director, Duarte Medlicott, they managed to have the report of the commission approved.

The petitioners' representatives protested against the legality of such voting, and against the illegal and arbitrary acts of the Board of Directors, which was mentioned in their written protest signed by them all, and which they presented to the chair, demanding that it should be transcribed in the minutes, as may be seen in the same.

The Government Commissary and Fiscal who were presented at the two sittings of the general meeting, and witnessed what took place at the same, will, as may be expected from their known character, confirm the exactitudes of what the petitioners here state, and of every thing, as in duty bound, will have informed your Majesty's Government.

Some of the zealous defenders of the directors, whose love of their own reputation not allowing them to dispute the illegality of the acts of the directors, accused by the petitioners' representatives, wanted to attenuate them, saying, that in this way, although illegal, the Board of Directors had succeeded in saving the Company, which was lost, and bring it to the advantageous position in which it was, and which guaranteed its existence, for the directors had by every illegal means succeeded in leaguering the Government to the preservation of the Company, and induced it to identify itself with it, and therefore placed under the necessity of making all the advances in money that might be required.

But such an assertion is entirely inexact, as is easily shown.

The Company has the law of its statutes by which it ought to be ruled and governed, and

and the Board of Directors and manager cannot practice any act contrary to this law, or for which they are not authorised thereby.

Not even the general meeting can depart from the observation of this law, without its acts and decisions in contravention of the same being considered as null; or if taken in a different way from what is laid down in the same, for though it represents the company, but as the moral person in this is composed also of shareholders, who, having less than 10 shares, have no admittance or vote in it, cannot for this reason, by decisions taken in a manner different from what is established by the law, offend the rights and injure the interests of shareholders who are under the shield of the law of the Company, and under the safeguard of the faithful and exact observance of its dispositions.

So much is it so, that no general meeting can decide and resolve any modifications, innovations, or alterations of the statutes, and can only be done by that one that is constituted with the conditions laid down in Article 33 of the same Statutes; and even so they can only be put in practice after being approved by the Government, who also cannot, without offending the law, approve alterations which are not presented as voted by a general meeting constituted in the manner established in the above cited article.

What the general meeting which represents the company cannot do, much less could the directors and manager do it, who are considered mere delegates of this representation, only for the ordinary acts of administration and management of the Company's affairs, and which are designated and marked down in the statutes.

Thus the result, though advantageous, of the illegal and arbitrary acts practised by the Board of Directors with offence and laying aside of the law and abuse of their powers, cannot in any way justify them and remove their nullity making them valid.

Admitting such a principle as a justification of the illegal and arbitrary means employed by the Board of Directors, the law disappears, and in its place the will of the Board of Directors remains, and at its mercy the interests of the shareholders, who became so under the protection of the law, and with the idea that it would be faithfully observed.

But it is not even true that the Board of Directors saved the Company by these successive, illegal, and arbitrary acts, but, on the contrary, the petitioners are persuaded that to these is principally due the ruin of the Company, which they consider such that it can be said that in fact it is in a perfect state of insolvency, and that the shareholders cannot expect to receive a farthing of their shares, which to-day have no value in the market.

By the disposition of Article 8 of the Statutes, the shareholders were only obliged to pay the value of their shares in payments of 10 equal parts, with an interval from one to the other of no less than 30 days.

Therefore, the directors and manager were not bound to pay the value of their shares for which each one subscribed, excepting in the way marked in the statutes.

The Board of Directors were bound to comply with the precept of the said article, making and advertising the epochs for the payment of the calls, and to put in practice the disposition of Article 10 respecting such shareholders, whether directors or not, who failed to pay their calls in due time.

The directors and manager did not follow this road, but substituted the payment of the calls by a payment in bills.

At the same date of the 28th May 1858, in which the directors and manager put down their names as shareholders for 300 shares each, excepting the director, Francisco Antonio Flores, who only subscribed for 125 shares, each of them gave a credit on London for 1,640*l.*, or 7,380,000 reis, which, at the same date, was placed for account of the payment of the value of their respective shares, and for what still remains of the value of the same, each one accepted bills dated 16th October in the same year.

The directors and manager, perhaps, adopted this plan of giving these credits on London in order to pay the petitioner half the price of the vessel "Lindsay," for her to be immediately delivered to them as agreed, and on her arrival at this port, to enable them to receive half the bonus granted by the Government, according to the terms of the 10th condition of the contract.

This anticipation in the payment of the value of the shares would have been a good service that the directors and manager did the Company, if they had applied the bonus in favour of the same, and if really by the payment in bills the Company realised the full value of the shares, as it would have realised if the payments had been made in calls in the form marked in Article 18 of the Statutes.

But it did not happen so.

The directors and manager converted the bonus to their exclusive profit, dividing it between them. And under pretext of the advance of the payment of the value of the shares with bills, they established between them and the Company a system of bill drawing, an account having been opened with the Company which, with respect to at least one director, resulted in his not paying the value of his shares.

After the first sitting of the general meeting, the Board of Directors gave it as an act of their generosity what was only a rigorous duty, to allow the representatives of the shareholders to come to the Company's offices and examine the books, but granting for this a limited number of days.

Of this facility some of the petitioners' representatives availed themselves, but in so short a time it was impossible for them to examine the books of nearly four years, and much less could they with such a complicated system of accounts as is adopted; for example, in order to be able to appreciate the account current of each director, it would be

necessary to agree and confront all the books of the Company that regard the general book-keeping.

So the petitioners' representatives could only see the accounts current of some of the directors and manager, and obtain a knowledge of some circumstances, sufficient however for the petitioners to be able to estimate a part of the prejudicial consequences which resulted to the Company from the illegal and arbitrary acts practised by the Board of Directors.

From the account current of the director, Joaquim Henriques Fradesso da Silveira, it appears that the Company had to pay the bills accepted by him in payment of the value of his shares, and to pay the interest and discount of the renewal which was made of some of them.

So that in the said account the outlay of the Company appears for the payment of bills of said director, and of money stated to have been paid, amounting to 45,932,326 reis, and the bills and acceptances of said director amount to 38,051,466 reis.

And although the Board of Directors allowed the said director 4,366,000 reis on the plea of his share in the bonus, 2,072,720 reis for interest or dividends on 218 shares, and 1,150,000 reis as gratuity as director; even so on the 31st March of the current year he was a debtor to the Company of a balance of 15,035,108 reis, which appear in the active of the balance-sheet presented to the general meeting by the Board of Directors.

It is clear that, as regards the said director, the payment in bills was a phantasmagory and complete deception, and adopted with the idea of giving as paid the value of the shares when they really were not so.

If the Board had not abandoned the precept of the law, and had not admitted the payment of the value of shares in a way different from what is established in it, that director would not be a debtor for almost the total of the shares for which he subscribed, the Board of Directors not having with equal arbitrariness allowed him a part in the bonus, interest on shares not paid, and gratuity not voted by the general meeting.

But the arbitrary acts in favour of their colleagues, on the part of the Board of Directors, did not stop here.

In the same date of the 28th May 1858, on which the director, Fradesso da Silveira, was put down as a shareholder for 300 shares, was put down as his cessionario for 82 of these shares, the present and then future director, Manuel Jose Ribeiro; and he also was credited as being the cessionario of Fradesso, with 1,640,000 reis, as the part of the bonus on 82 shares.

How could the direction put down M. J. Ribeiro shareholder for these 82 shares, which were yielded to him by Fradesso da Silveira on the same day in which he subscribed for 300, without having as yet paid any part of their value.

If the director, Fradesso da Silveira, should not pay the value of his shares subscribed, and the direction following the precept of the 10th Article of the Statutes, wished to carry out the disposition of the same, how could they do not it with the 82 shares given to Ribeiro, and by him paid to Fradesso, having admitted him as cessionario of this one, and as such registered in the Company's books as the owner of shares, which were transferred to him, and by him paid to the party ceding them.

The direction still carried their despotism further, to the loss of the Company.

For, in the same October 1858, on the 16th of which the director, Fradesso, accepted bills for 19,409,858 reis, to complete the payment of the value of his shares, the direction bought from him the steamer "Pego."

This purchase, notwithstanding the circumstances and state of the boat, might be excupated if the direction took these measures to pay the value of the welt which the director, Fradesso, subscribed, or to promote a further sale of shares.

But the direction having commenced the agreement of the purchase of the boat, with the payment in shares, undid this agreement to realise it in money or bills at short dates, which they paid, instead of trying to make a balance with what the seller was owing for shares, or paying him in the bills he had accepted to pay for them. The direction, to favour their said colleague, disposed arbitrarily of the property and funds of the Company, in a way that none of its members would not like to do with his own property. And this favour to the point, not only of paying and allowing to the same colleague interests or dividends corresponding to shares, the value of which was not yet paid by him, but went still further in 30th September 1860, lent him 20 shares of the Company, not yet issued, for him to make the deposit in the Company's office, which as director he was bound to do, by the letter of Article 22 of the Statutes. This can be seen in the account current of the said director, as in it the lent shares are given as returned on the 31st December 1861, the date when he gave his dismissal as director. It is not possible to meet in the history of directions and companies an example of equal abuses and despotism. Either the said director had not told the date when his colleagues made him the loan of the 20 shares, made his deposit of them, and was there unlawfully a clerk as director, and his colleagues consenting in it in opposition to the dispositions of Article 22, or he had made it; and his colleagues with inexplicable abuse and arbitrariness, consented that he should withdraw the deposit of his shares to substitute them for those lent by the Company. What species of guarantee could the Company have in a deposit of shares which rested still to be issued, and therefore did not represent any value received. Saying that the shares were lent, the director who availed of the loan for the purpose of making a deposit with them, had no other obligation but to restore him, which did not cost him much, as being in deposit they

continued

continued to remain in the hands of the Company. If the direction had not from the beginning of its administrations substituted by his self-will the dispositions of the law, it would not happen that the said director would be till now considered a shareholder on account of the shares for which he subscribed, without payment of the value of them; and all persons who had not positively paid the value of his shares would not, as he ought not to have been, admitted to vote at the general assemblies. The petitioners' representatives in the last meeting stated these circumstances, petitioning that the said shareholder should not be admitted to vote with the votes relating to the shares, the value of which it was not ascertained was paid; but their petitions, as everything that they asked for, was not heard, and they all protested against this illegality. With regard to the other director and manager, the petitioners cannot say exactly on what present various and large sums in money were given, which in the accounts current of some of them appear to their debit, because the petitioners' representatives could not compare all the books from which they could obtain the necessary knowledge and explanations of the debit and credit. However, by the accounts current of each one of them, it is seen that from the beginning a system of bill drawing was established between them and the Company, the value of the shares subscribed by them being mixed up with it. And by them it is also said that while in favour of each one's interests, and guarantees are allowed in favour of the Company, no amount of interest appears, not even as regards the debit of the director, Fradesso da Silveira, although the Company paid the money to settle the bills accepted and not paid by him. From this illegal and arbitrary proceeding, followed by the director immediately from the beginning of their administrations, clear and heavy losses result to the Company. If the sum given by Government to the Company had been effectively applied in its benefit, as it ought, with the amount of it, the Company would have made its charges to that amount without being forced to raise it by loan, paying a heavy interest. And, in truth, it was a manifest abuse for the directors to divide the bonus between the founders of the Company in proportion to the shares they had subscribed for.

The first petitioner would not accept 225,000,000 reis that the direction destined for him in the division of the bonus, as corresponding to the shares which he held, received as half the price of the vessels which we sold the Company, as he thought that all the bonus belonged to it, to which it was granted, and could not be divided between the founders of the same. But the directors' manager went on taking their shares, which they divided, putting it at interest in the Company, or rather in the making up of their accounts with the Company, causing interest of their part of the bonus to be allowed them; and which they thus seized on the bonus, they charged the Company, with interest, which ought to be paid to Theofilo Bemen Phellipon, of what by a private agreement that the director made with him, they bound themselves to pay, as a compensation for the bonus which he lost on account of the "Companhia Real Portuguesa" not going forward (Royal Portuguese Steam Navigation Company). But what had the Company Uniaõ Mercantil to do with the claims of Theofilo Bemen could make against the directors of the other Company. The arrangement that the directors made with them was their individual act, which they could not place to the charge and account of the Company Uniaõ Mercantil. The direction, while on one hand it took on itself its right to admit by means of bills the payment of the value of the shares of directors' manager, some of which it had to pay; on the other hand, for this payment, and for the price of the boats "Tejo" and "Accorianus," and other expenses of the Company, began raising funds on loan by discount of bills guaranteed by the directors and manager, they paying themselves the premium of guarantees. This proceeding, which is clearly ruinous, could only be employed when authorised by the general assembly elected to act by all those interested at that seat in the Company, and would only be authorised when absolutely indispensable, and when it was ascertained that this guarantee was necessary to discount the bills. But the directors did not lend themselves with the considerations that they could not trade with the Company, nor turn to their private profit the transactions they carried on as directors, but went on receiving the premium of the guarantees, and taking, without calculation, the funds they thought proper, without caring for the damage to the Company's credit that must come from following such a course. From this resulted, that to the discount was to be added the premium of guarantee, which raised the interest to _____ rate, for while the bank discounted the bills at 5 per cent., the Company was paying 8 or 9 per cent. It was this reason that the amount of interest, discounts, and differences of exchange paid by the Company to 31st March 1862, reached the sum of 73,734,429 reis, and that besides this the directors received for guarantees 91,026,429 reis. The directors thought that they could do whatever they pleased, and dispose of everything without asking any authority from the general assembly, and not even hear the persons most interested in the Company; for, as the petitioners already stated, not even in the so-called extraordinary meeting did they mention their proceedings. And, on the contrary, it having been resolved at one of those extraordinary sessions, in December 1858, that no more purchases of boats could be made without a resolution of the general assembly, the direction made no account of this resolution, and bought the boats "D. Luir," "D. Antonio," and "Fairy;" and, in purchase of the last, the fact was that it was positively sold for 26,000*l.*, and the Company had to pay 28,000*l.*, for 2,000*l.* was a bonus to two of the directors and a third person leagued with them, on the plea of having guaranteed the bills passed to the seller for the price of the said boat. This system, arbitrarily followed by the direction, had the result of the ruin and discredit of the Company. A Company that, without consulting its own resources on which it can count, and takes to raising funds, at any rate, by means of credit, digs an abyss into which it must necessarily fall. And when the public saw the

Company on this inclined plane of living by credit, and those who directed it appropriating gains and profits not justified and not authorised, how would they employ their capital in a company reduced by a direction to such a state. The direction wished to attribute to other causes the want of issuing the shares, not seeing, or rather not to give, doubtless, the only true and principal cause. No one in Portugal is ignorant of the advantages for this country, and for those interested, might result from this company, which if prudently and economically conducted and administered. And as Portuguese capitalists and merchants have come forward to employ their capital in other undertakings of not so wide-known advantage to the country, and of so good and promising an appearance of gain, certainly their patriotism would not fail them in taking a share in this; if they did not, the arbitrary and illegal manner in which the directors administer the affairs of the Company offers no guarantee.

One of the objects on which the direction ought to endeavour to employ the greatest care and secure economy, is without doubt the consumption of coals for the use of their boats. The direction at the beginning of their running boats had employed the first petitioner to supply the coal, which he did for more than one year. The first petitioner being acquainted with the quantity of coals that ought to be used in ordinary circumstances, observed that the consumption was very great, and frequently pointed it out to the direction, telling them it was necessary to stop this great expense, which was injuring the Company very much. The direction tried to exculpate themselves, but at last to free themselves from his observations, which annoyed them, took the resolution of withdrawing the order from the first petitioner. And this very important item of expense the petitioner does not know what it will reach since the commencement of the navigation to 31st March 1862, for neither in the report nor balance are any details to be found by which it can be appreciated; as also to appreciate in detail the expenses of the other supplies of the ships; and to obtain this knowledge from the book, it would require a minute examination, which would demand a long time. But by this system, arbitrarily followed, the directors and manager arranged for themselves advantages and personal gains, so much so, that every one of them, on the plea of bonus, and interest of the same, divided the shares, guarantees, and gratuities, and difference of exchange, which were allowed them, receiving more than 60,000,000 reis, as can be seen by their respective accounts, written in the Company's books, closed on the 31st March 1862. It was therefore principally due to the illegal and arbitrary acts practised by the direction from the beginning of their administration, the difficult position in which the Company began to be since its establishment, till it reached the state of ruin in which the directors confess it was when they asked a loan from the Government; without their informing the shareholders of this, and consulting them about the suitability of the loan, or the best means to save the Company, if possible. Although the directors may allege that they have done great services to the Company, for, to speak more lucidly, and a minute and rigorous examination of the books would perhaps show clearly many other illegal abuses and arbitrary acts of which the petitioner, on account of the want of this examination, cannot have a special acquaintance, what the facts prove is, that the directors brought the Company to a real state of bankruptcy, as is easily seen by the very balance presented to the general meeting on the 15th April of the present year. In the above mentioned balance, the direction showed the active of the Company 1,556,537,725 reis, and its passive 1,653,177,496 reis, thus presenting a debit of 96,839,771 reis. But in order to show the above active, they increased the value of the steamers to 100,000,000 reis above their real cost; and did the same with regard to boats, buoys, &c. in the river. In this manner the steamers that had by that time years of service, instead of being depreciated by the natural and inevitable wear and tear, in the estimation of the directors were enhanced in value to so large an amount. Even the steamer "Tejo," which the manager in his statement (report) indicates as unable to do service, and which in the general meeting was proposed to be sold, was valued (over its cost) in 8,504,835 reis. The steamers, boats, and buoys in the river, if reduced to their actual and real value, would not realise their cost, although it figures in the active of the Company equal to 844,252,372 reis. In the remainder of the active is found 512,285,353 reis, of which 450,000,000 reis, is said to be the amount of 5,000 deposited with the Bank of Portugal, but unsold, and that cannot show any value realised, or to be realised. The remainder, 62,285,353 reis, are as representing the value given to coals in the deposits of Lisbon, Loanda, St. Thiago, and St. Miguel, ship stores in Lisbon and Loanda, furniture in the Company's offices, merchandises, subventions, public bonds in deposit with government, and debts, in which is included the debt of the director, Fradesso da Silveira, and likewise another attributed to the first petitioner, who never acknowledged it, because in fact he does not owe the amount which the Company charges him with without foundation. It is plain that all the assets of the Company cannot be considered to be able to realise more than 450,000,000 reis. This arbitrary value which the direction chose to give to the steamers, adding the excuses of repairs to their value, cannot be considered as real assets of the Company, as, in fact, it does not exist, and in the active of the Company should only appear their real actual value, which, when the depreciation for wear is considered, will show a diminution of one-fourth of their cost. But even taking the steamers at that high valuation, carried to the active of the Company, its deficit on the date of the balance would be at least of 546,339,771 reis. And the Company having, in their contract with Government, agreed to apply the amount of the salvation to the payment of interest and amortisation of the Government loan, could not with its own resources provide the working of their

their vessels, and so much so that the Government has found necessary, after the loan of 450,000,000 reis to make to the Company a further advance of 199,525,312 reis. And it being absolutely necessary for the Government to continue such supplies, the debits of the Company with the Government before the end of a twelvemonth will be 300,000,000 reis. In this state of the Company, who cannot see a real insolvency, and consequent bankruptcy, how, with every day accruing liabilities, and without the aid for many years of the subvention to meet its expenses, can the Company stand without being supported by Government by means of loans? It is not for the petitioners to appreciate if such supplies can thus continue to be made by Government, and abstain themselves from doing. But what the petitioners can appreciate is, that Government can any day refuse to continue to make further supplies, and on that day the Company must stop working their steamers, and present themselves in the Court of Bankruptcy, and from that moment will cease the Government guarantee of the interest upon the shares. Therefore, that advantage guarantee of the interest which the directors have put forth as a great service to the shareholders, is most precarious, and in the state the Company is it is not likely to exist long, and the interest of five years cannot compensate to the shareholders the certain loss of their capital, not only in their shares, but besides in the capitalization of the dividends, such as the directors have already begun to force the shareholders to submit to.

The directors and manager know very well, better even than the petitioners, the real state of insolvency in which the Company is at present, and that the capital produce of the shares is completely sacrificed and lost; but they have other special reasons which induces them to try every means to hide such state of things, and prolong as much as possible the existence of the Company, and thus their administration and management.

And to that purpose it was that the balance was made out in the manner already explained by the petitioners, limited only to the last year, so that the real state of the Company should not be so easily appreciated; and employed all the means already referred to, to obtain from the general meeting the approval of the balance of their acts, and add to the direction individuals their dependents of friends. The petitioners, by your Majesty, will forgive this long exposition which they were obliged to make in consequence of the absolute necessity of referring and proving before the loan, the principles of right, and universal justice, the acts and proceedings which justify and show the just foundation for their protest and claim, leaving, notwithstanding, some other facts out, although important, in order to be as concise as possible.

It is not the intention of the petitioners to seek for the dissolution of the Company, nor to proceed against the directors and manager, for the petitioners do not come to the feet of your Majesty's throne moved by ill-will or hatred, nor would such feelings advance their interests, for the reason that their only end is to enforce their rights as to be paid by your Majesty's Government the value of their shares. And such was the petitioners' reluctance to take this present step, and expose their acts and proceedings, both in the direction, and at the general meetings, that they allowed nearly four months to elapse since the last general meeting before they come to present their claims, expecting that the Government of your Majesty indeed were aware of what passed at the meetings, through its employés officially attached to the Company; and being cognizant after protest there entered by the attorneys of the petitioners, your Majesty's Government would cause forthwith an inquiry to have been made respecting the exactness of the accusations, and provide for the vindication of the laws and statutes of the Company so respectively and manifestly violated, and to protect the interest and rights of the petitioners as shareholders; so much so, that the petitioners gave verbal information to your Majesty's Government, that they could be under the necessity of making their claims.

But the petitioners have seen their hopes frustrated; no proceedings whatever have taken place on the part of Government of your Majesty tending to protect the interests of the petitioners, therein disregarded and despised, whilst, on the other hand, by persevering to countenance the acts of the direction, the Government of your Majesty tacitly and virtually inculcate its approbation and defence of the past acts of the direction.

Sire! The direction of the Company, União Mercantil could never have been able to choose and follow the illegal, abusive, and arbitrary course it has pursued in its administration and management of the affairs of the Company if it had not had the support of the Government, which was ready to approve and authorise those illegal acts by its decrees, and even by soliciting the approval and legalization of some of those acts, by passing Acts of Parliament to that effect. It was under the protection of the laws, and trusting to the guarantee of its faithful observance, and specially in that they expected from the Portuguese Government that the petitioners, English subjects, resident in London, were induced to enter with their capitals in the Company, submitting to losses through misfortune, or eventualities, but not through illegal, abusive, and arbitrary direction of its affairs. By the 20th Condition of the contract of concession of the undertaking the Government reserved to itself the faculty of naming a Commissioner to be near the Company, and which was, in fact, named. And afterwards, by the contract that the Government made on the 5th of January 1861, with the direction of the Company, it was agreed that there would be a fiscal office of the former near, and paid by the latter, to rigorously, check the service, book-keeping, and operations of the Company. The Government had therefore the means, through its officers above-mentioned, attached to the Company, to obtain information respecting the legal and illegal acts of the direction, and specially of those that the latter submitted for its approval.

If the direction tried to delude the Government, inculcating, as attributive to it, what by the laws of the Company belonged solely and exclusively to the competency of the general meetings of the shareholders, the Government had there the laws not to admit or approve illegal acts which were not based upon the deliberation of a general meeting,—sole and exclusive means competent for such purpose. If the direction attempted to delude the Government, inculcating as the result of the deliberation of any general meeting any act submitted for its approbation, in the examination of the document referring to it, and and in the information that the Government should have required from its employés attached to the Company, the Government had plenty and easy means to ascertain that such deliberation of the general meeting had been, and could not exist, when no such general meeting had been called according to what is prescribed in the statutes of the Company; as well that one of the members of the direction fraudulently arrogated to represent the fourth petitioner, as his attorney, for which he had no power. Thus, in either case, the Government could not be ignorant that the alterations and reforms of the statutes which were proposed by the direction, being against the rights of the shareholders, and giving votes for the mere guarantees given, which is an innovation incompatible with the disposition and nature of a company, were entirely the work of the direction, without the shareholders being heard in general meeting, and by them sanctioned, after deliberation, as is expressly stipulated in Article 33 of the Statutes.

Notwithstanding all this, the Government, by its decree, sanctioned and approved the arbitrary act of the Board.

The conditions of the contract of the undertaking could not be altered by a new contract without the alteration being deliberated upon by the general meeting, according to the Article 33, for that very reason that imparted modification in the statutes, and notwithstanding the Government made no difficulty in entering into the contract of the 5th January 1861, with the Board, without the latter being authorised to that effect by some deliberation of a general meeting.

In the same way the directors could not contract for a loan which they solicited from the Government, mortgaging to the same the assets of the Company, and apply the subvention for the payment of interest and amortisation, without being previously authorised by deliberation of a general meeting, whilst, on the other hand, the Government, without the sanction of such deliberation, agreed to grant the loan to the Board of Directors, and obtained a Bill in Parliament to close the contract.

The Government had, in the annual balances that the Board presented to them, a proof that they had not as yet been submitted to the approval of a general meeting, for they were never presented to Government accompanied by the report of the commission that should have been named by the general meeting, according to the terms of the decree of approval of the statutes, and notwithstanding that the Government allowed this omission of legality, violating the laws, without obliging the Board to present the accounts and balances of their administration, as given to the general meeting legally called and constituted for the purpose.

It was therefore the Government, who, by authorising and approving the illegal and null acts of the Board, more directly offended and injured the rights and legitimate interests of the petitioners, and deprived them of the guarantees that the religious observance of the law might have given them; and the Government has constituted itself obliged to indemnify the petitioners for the damages which thus directly it has caused them; and if the Board can find an excuse, it is in the sanctions the Government has given to their deeds.

Nor can the Government justify itself by setting forward that it should shut its eyes to the illegalities of these acts, sanctioning them, although offensive and prejudicial to the rights of the shareholders, for considerations of public convenience, in addition to which it was found convenient to set aside the dispositions of the laws of the Company authorising their violation.

The petitioners, foreign subjects, who, relying on the protection of the laws by which the Company was to be governed, came here to invest their capitals, and cannot be obliged to submit to those illegal acts, null and void, and subject themselves to the losses and damages therefrom resulting.

The petitioners can no longer expect anything from a Company without laws, at the mercy of an arbitrary Board, which has found the means of disposing of the votes in the general meeting, at their own pleasure and convenience.

In these circumstances the petitioners come respectfully to present at the feet of your Majesty their solemn protest against all the violations of the laws, and illegal and null arbitrary acts of the Board and general meeting, claiming from the Government of your Majesty an indemnification of the damages that, in consequence of the acts of the Government, the petitioners will suffer in the inevitable loss of their capital invested in shares.

And this act is of so manifest justice that the Government of your Majesty will surely not refuse to attend to.

The indemnification which, with so manifest right and justice the petitioners claim, cannot be but for the payment in full by your Majesty's Government of the integral value of their shares, with their respective interests, the petitioners being ready and willing to cede and deliver their shares to your Majesty's Government.

The petitioners in making their claim so limited show they have no intention of making profits, but merely to prevent the loss caused by the Government if not indemnified.

The petitioners feel sorry that so promising an undertaking should be brought to ruin, which

which they consider to be by the want of observance of the law, and by the arbitrary administration.

Trusting, therefore, that your Majesty may receive benignly the claims which the petitioners here make, with so manifest right and justice, beg your Majesty will order that the capital and interest of their shares due up to the present be integrally and fully paid to the petitioners.

May it please your Majesty so to grant them.

September 1862.

(6.)

(Translation).

MINUTE of Opinion of five Lisbon Lawyers. Responsibility of Portuguese Government with respect to Mr. *Lindsay's* Claims against the Company *União Mercantil*.

THE undersigned, Mansel Maria Ferreira da Silva Beirão, a pleader in the courts of this city, and before the Tribunal of the Administrative Council of State, and President of the Society of Lawyers; Francisco Jeronymo da Silva, a pleader in the courts of this city, and Vice-President of the same society; Antonio Joaquim da Silva Abranches, a pleader in the courts of this city, and before the said tribunal, and perpetual secretary of the aforesaid society; José Luiz Gonçalves Ferreira de Cunha, a pleader in the courts of this city, and before the said tribunal; and José Antonio Luiz Gallo, a pleader in the courts of this city, and before the said tribunal,—

Having examined, in consultation, the claim which William Shaw Lindsay, and other British subjects, in their capacity as shareholders in the Royal Union Mercantile Company, have presented to his Most Faithful Majesty's Government, give it as their opinion that the said Government is responsible towards the claimants above mentioned, from the damages accruing to them from the approbation, which it (the Government) may have given with full knowledge of the case to the acts which may be proved to have been practised by the directors of that Company, in contravention of the articles of its statutes.

(signed)

Mansel Maria Ferreira da Silva Beirão.

Francisco Jeronymo da Silva.

Antonio Joaquim da Silva Abranches.

José Luiz Gonçalves Ferreira da Cunha.

José Antonio Luiz Gallo.

Lisbon, 20 December 1862.

(8.)

(Translation.)

OPINION of the Law Adviser to H. M. Legation, as to the Responsibility of the Portuguese Government with respect to Mr. *Lindsay's* Claims against the Company *União Mercantil*.

As soon as a Government practises an act, of whatever nature it may be, or gives its approbation to an act practised by another person, after due examination, and with full knowledge of the matter, it is unquestionable that it becomes responsible for that act, and liable to the consequences resulting from it. I therefore consider as correct the doctrine laid down in the Minute of the Society of Lawyers of this city, which I have before me, in which they declare that, having examined, in consultation, the claim put forward to his Most Faithful Majesty's Government, by the British subjects, W. S. Lindsay and others, in their capacity of shareholders of the Union Mercantile Company, it is their opinion that the said Government is responsible towards the aforesaid claimants for all the damages arising from the approval which it (the Government) may have given, with full knowledge of the case, to the acts which may be proved to have been carried out by the directors of that same Company, in contravention of the rules of its statutes.

With respect to the admissibility or inadmissibility of the claim, I have not, as yet, sufficient grounds to form my judgment; and the Minute itself does not also touch upon this point. What is indubitable to me is, that the right of the claimants against the Company, on account of the illegality of the acts, of which it has assumed the responsibility by approving them, is certain, should the existence of that illegality, the origin and source of the damages upon which the claim is based, be really proved.

Lisbon, 2 January 1863.

(9.)

STATUTES of the Union Mercantile Company for the Establishment of Steam Communication to the Azores and West Coast of Africa.

CHAPTER I.—*Institution, Purpose, and Duration of the Company.*

Art. 1.—A Company is formed in Lisbon, entitled the Mercantile Union, for the purpose of establishing a line of steamers between Lisbon and other ports.

Sect. 1.—The Company will immediately establish communications, by screw steamers, between Lisbon and the Azores, and between Lisbon and the Ports of the West Coast of Africa, in conformity with existing contracts with the Government.

Art. 2.—The Company are authorised to obtain and use, under the Portuguese flag, any sailing vessels they may require to facilitate their operations.

Art. 3.—The Company's vessels will sail under the Portuguese flag, provided they conform with the laws of this kingdom.

Art. 4.—The duration of the Company's charter will be for 20 years from the date of its concession.

Sole Sect.—The Company may liquidate—

1st. In case of the loss of one-fourth of its paid-up capital.

2d. At the end of the above-named 20 years.

CHAPTER II.—*Of their Capital and Shares.*

Art. 5.—The nominal capital will be 450,000,000 reis (100,000*l.*), divided into 5,000 shares of 20*l.*, or 90,000 reis. This capital may be increased by the deliberation of the general meeting.

Sect. 1.—The first emission of shares will be for 270,000,000 reis, in 3,000 shares.

Sect. 2.—The directors will emit a second series of shares, when required, and with the approbation of the general meeting.

Art. 6.—The shares may be personal, or to bearer, as it may be found most convenient.

Art. 7.—The personal shares may become transferable by endorsement, after being duly entered in the Company's books; the shares to bearer to be considered the property of whoever presents them.

Art. 8.—The capital of the shares will be paid in ten equal instalments, viz., the first one month after the formation of the Company, and the remainder at periods that the directors may stipulate, provided the said calls never be made with less interval than 30 days.

Art. 9.—The Company will give receipts taken from a cheque book for all the instalments they may receive, which will be exchanged for shares when all the capital is paid up.

Sect. 1.—The receipts and shares by two directors, the manager and the secretary.

Art. 10.—In case of non-payment of any calls within 30 days from the date fixed, the directors will request payment by advertisement in the principal journals, and write to the party in default, requiring payment within 30 days; should the latter still neglect to pay, he will lose his right to the shares and the calls he may have already paid. The directors will sell the shares so forfeited by public auction, having given notice 30 days previously, and the purchaser will have the same rights as the original holder.

Art. 11.—The shareholders are not responsible, in any case, for more than the amount of their shares, in conformity with the 543d Article of the commercial code.

Art. 12.—The shares will be cut from a cheque book in numerical order.

Art. 13.—A tenth part of the net profits of the Company shall be deducted every year, to form a reserve fund, which is not to exceed 14,000,000 reis.

CHAPTER III.—*Of the Administration of the Company.*

Art. 14.—The management of the Company shall be entrusted to not more than seven, nor less than five directors, a manager, and secretary.

Art. 15.—The directors shall be elected by a general meeting of the shareholders, and shall continue in office for one year; but two directors from the old Board shall always be included in the new.

Sect. 1.—The directors may be re-elected.

Sect. 2.—The first Board of Directors shall last three years.

Art.

Art. 16.—The managers elected at the general meeting shall continue to act for five years, and may be re-elected.

Sect.—In case of death, inability, or non-performance of his duties, his place shall be substituted by the decision of the shareholders in general meeting.

Art. 17.—The secretary shall be appointed by the manager.

Art. 18.—It will be the duty of the directors—

1st. To take cognisance of the business and accounts of the Company, and of all the transactions of the manager, to see that he performs his duty.

2d. To present, at the general meeting, the yearly balance of the Company, and to give their opinion thereon; and to produce also a report of their transactions during the year.

3d. To deposit in a bank in Lisbon, for account of the Company, all the funds in the hands of the manager.

4th. To furnish the manager, from the funds so deposited, the money he may require to carry on the business of the Company.

5th. To call a general meeting, when they may think it necessary, to purchase new steamers, establish new lines, or increase the capital.

6th. To draw up a report of each of their meetings, in which they will clearly specify the subjects discussed, and the determinations taken, giving separately the vote of the manager, or any of the directors who may disagree with the general resolution.

Sect.—The reports must be signed by the directors who may be present, and by the manager.

Art. 19.—The meetings of the Board of Directors will not be valid if there be not present at least three directors; and their determinations will be decided by a majority of votes.

Art. 20.—It will be the manager's duty—

1st.—The management of all the Company's business.

2d.—The nomination of all the servants of the Company, with the directors' approval.

3d.—To see that the Company's books are well kept, and up to the day.

4th.—To attend all the ordinary or extraordinary meetings of the directors, furnishing them with all the information and documents they may require relative to the business of the Company.

5th. To submit, for the directors' approval, all the projects he may think useful to the Company, and to consult them upon all the measures it may be necessary to adopt.

6th. To lay before the directors the yearly balance-sheet, and a circumstantial report of his management during the year.

7th. To lay before the general meeting every time they meet a list of the names of the shareholders who are entitled to attend the meetings, and showing the number of shares they possess.

8th. In case of disagreement with the directors, the manager will have the right of appeal to the general meeting, requesting the president to assemble the shareholders for that purpose.

Art. 21.—In case of the temporary inability of the manager, he will be substituted by one of the directors chosen by the rest; in case he should die or be dismissed, he will be substituted in the same manner, until a general meeting takes place for the appointment of another manager.

Art. 22.—Each director must keep deposited in the Company's safe 20 shares entered in his own name, which cannot be transferred while he continues in office. The manager must deposit, to the order of the directors, 40 shares, which will be likewise non-transferable during his management.

Art. 23.—The secretary will attend to all the Company's correspondence, and keep the archives of the same, and register the acts of the meetings of the directors.

Art. 24.—The directors will not receive any salary until the general meeting shall determine thereon, according to the results of the undertaking. The manager will receive a commission not exceeding 4 % on the amount of freights engaged in Lisbon, and 2 % of the freights received.

CHAPTER IV.—Of the General Meetings.

Art. 25.—The general meeting is an assembly of all the shareholders possessing at least 10 shares.

Art. 26.—The general meeting must consist of at least 30 shareholders, who represent one-fourth of the capital.

Art. 27.—The absent shareholders may be represented by proxy, be he or not a shareholder.

Art. 28.—No proxy can represent more than one shareholder, and should he be himself a shareholder his votes shall be counted in addition to those of the person he may represent.

Art. 29.—The deliberations of the general meeting are to be decided by absolute majority of votes of the shareholders present, which will be binding on the whole number.

Art. 30.—A shareholder possessing 10 shares is entitled to one vote, and one more for every 20 shares he may possess over the 10.

Art. 31.—A shareholder, in order to be admitted to the general meetings, will have to do as follows:—Should he be the holder of shares in his own name, he must inscribe them in the proper book of the Company at least thirty days before the meeting; and if the holder of shares, made out to bearer, he must deposit them in the Company's office within the above-mentioned time; should he be in Lisbon, otherwise in the offices of the respective agents, taking from them a certificate in duplicate specifying the numbers of the shares so deposited, one of said certificates to be annexed to the power of attorney, and the other remaining in the hands of the depositor to enable him to claim his shares again after the general meeting.

Art. 32.—If at the first assembly there be not present the number of shareholders necessary to constitute a general meeting, in conformity with Art. 26, another meeting will be called a month after, and then the general meeting shall be considered as constituted, whatever may be the number of shareholders present, and the number of shares they hold, provided it be not less than 20.

Art. 33.—No resolution, as to increasing the Company's capital or modifying the present statutes, can be carried by a general meeting, unless the shareholders present represent at least one-half the capital of the Company.

Sect.—No alterations or modifications can be made in these statutes without having received the approval of the Government.

Art. 34.—The ordinary general meetings will take place every year in the month of February, on the day fixed by the president; and extraordinary ones at any time the directors, or manager, or so many of the shareholders who represent one-fifth of the capital may require it.

Art. 35.—The first ordinary general meeting will be called by the directors in the month of February, which shall first follow a year of the Company's existence.

Art. 36.—At the first ordinary general meeting the shareholders shall elect, by majority of votes and by ballot, a president, a vice-president, and a secretary, who will continue to exercise their functions till the next year's ordinary general meeting.

Art. 37.—It will be the duty of the president of the meeting—

1st. To appoint the day for the general meeting.

2d. To superintend the management of the meeting.

3d. To order the manager to publish in the journals the advertisements relative to the meetings.

4th. To convoke the extraordinary meetings when necessary, in conformity with

Art. 31.

Art. 38.—The vice-president will act in the absence of the president.

Art. 39.—It will be the duty of the secretary of the general meeting to verify the qualifications of shareholders to vote, and to edit the acts of the meetings, which he will sign jointly with the president.

Art. 40.—The Board being constituted, the directors will issue a report of all the operations of the Company with the respective balance-sheet, accompanied by their opinion and report. All these papers shall be printed and distributed to all the shareholders who may require them a fortnight before the day of general meeting, and during all this time all the books of the Company shall be laid open to be examined by all the shareholders who may wish to see them.

Art. 41.—The general meeting shall deliberate upon the accounts and balance, and upon any proposals made by the directors or shareholders for the benefit of the Company, such decision being duly inscribed in the books.

Art. 42.—Should the balance not be approved of, the general meeting shall appoint by ballot and by an absolute majority of votes from the shareholders present, a commission of five members to examine the accounts of the Company, and report to the said meeting their opinion thereon; which meeting shall again re-assemble to deliberate on the opinion presented within one month from the day on which the meeting was appointed.

Art. 43.—The balance being approved of, the general meeting shall resolve upon the dividend to be paid to the shareholders.

Art. 44.—The general meeting shall then proceed to the election of the directors by ballot, and by an absolute majority of votes in the manner established in Art. 14 of the present statutes.

Art. 45.—The general meeting shall be called by means of advertisement, inserted 60 days beforehand in the principal journals, national and foreign, in those countries where the Company have shareholders.

Art.

Art. 46.—Twelve months before the expiration of the Company's charter, in conformity with Art. 4, the shareholders shall deliberate in general meeting whether the same is to be dissolved or not.

Art. 47.—In case of the dissolution of the Company, as mentioned in the sole paragraph of Art. 4, the general meeting shall appoint a commission of five members from among the shareholders present, who, in accordance with the members of the administration, shall proceed to the liquidation of the material and other property belonging to the Company. The net proceeds shall then be divided *pro rata* among all the shareholders, after the payment of all debts.

CHAPTER V.—*Transitory Article.*

Art. 48.—The first direction shall be composed of Messrs. Duaste Medicott, Fortunato Chamico, junr., José Antonio Pereira Serzedello, Francisco Antonio Flores, Joaquim Henriques Fradesso da Silveira.

The first manager shall be Mr. Candido de Freitas e Abreu.

— No. 22. —

COPY of DESPATCH from the Right Hon. Earl Russell to Sir A. C. Magenis.

Sir,

Foreign Office, 21 January 1863.

I HAVE consulted the proper legal adviser of the Crown on your Despatch of the 3d instant, respecting Mr. Lindsay's case.

It appears from Mr. Lindsay's Memorial to the King of Portugal, that the object he has in view is that the Portuguese Government should be ordered to repay to the Commissioners the integral value of their shares, with their respective interests: and this demand appears to be advanced on the plea that the Portuguese Government had been a consenting party to numerous illegal acts, and to the violation of the statutes of the Company concerned.

The legal opinions which have been forwarded to me by you sustain the proposition that, according to Portuguese law, the Government of Portugal, if it had full knowledge of the acts of the directors, and had in any way publicly sanctioned them, would be responsible to the claimants for the damages consequent on that sanction.

The same legal opinions also lay down the principle that, in order to establish the liability in question, the Portuguese Government must have participated in the act of the directors by some public act, and must be proved to have a full knowledge of the proceedings of the directors.

On this point the statements are conflicting. According to Mr. Lindsay, the Portuguese Government has a Commissioner present at the meetings of the Board; but, according to the Duke de Loulé, that Government takes no part whatever in the management of the Company.

To arrive at the truth, as regards this important point, I have considered that it was only just that you should communicate to the Portuguese Government, in an official form, Mr. Lindsay's statements regarding their intervention, together with the opinions of the Portuguese lawyers, and that you should, on these grounds, ask for the aid of the Portuguese Government, in Mr. Lindsay's behalf.

My telegram of the 19th instant conveyed to you instructions in this sense, but this is the utmost extent to which the direct interference of Her Majesty's Government can, at all events, for the present, be exerted.

Mr. Lindsay has not exhausted the legal means of redress which are open to him; for although he has failed in his action against the Company, it is not denied that an appeal is open to him. He may or may not also have an opportunity of redress by legal proceedings against the Portuguese Government. On this point I am left without information; but if Mr. Lindsay has the opportunity, he should avail himself of it. It is only on the presumption that he has no such remedy, and that the Portuguese Government are liable, on account of the alleged sanction given to the acts of the Directors, that I have considered myself justified to instruct you to take the step to which my telegram of the 19th instant refers.

I have, &c.

(signed) Russell.

— No. 23. —

COPY of DESPATCH from Sir A. C. Magenis to the Right Hon. Earl Russell.

My Lord,

Lisbon, 28 January 1863.

I RECEIVED on the 20th instant your Lordship's telegraphic despatch of the 19th.

With Mr. Lindsay's knowledge and consent I have not as yet acted on your Lordship's instructions.

That the question has not been allowed to rest since my Despatch of the 3d instant to your Lordship on this subject, the correspondence which accompanies this present Despatch will abundantly prove.

This correspondence consists of copies of letters either addressed by myself to the Duke de Loulé, or of letters addressed to me by Mr. Lindsay, for transmission to the same Minister, and copies of which I at once forwarded to his Excellency, and of the copies and translations of letters from his Excellency to me in reply, which were immediately forwarded to Mr. Lindsay.

Your Lordship will observe that Mr. Lindsay, and his Portuguese legal adviser, endeavour to prove that the Portuguese Government is responsible to the British shareholders for the amount of their shares and interest thereon, in consequence of that Government having sanctioned, either by its negligence or by its connivance, the illegal acts and violations of the Statutes of the Company by the direction, acts against which said shareholders had protested, and claimed the intervention of the Government to put a stop to, and further, that as neither Portuguese nor British shareholders can bring an action in this country against the Government, the latter can have recourse alone to the intervention of Her Majesty's Government, and thus that the question becomes an international question.

The Duke de Loulé, on the other hand, maintains that it is merely a question between certain shareholders who happen to be British subjects, and the Company, that the suit between the parties is still pending, and that its decision belongs to the law courts of the country; that the Government is not responsible to these shareholders, and that the question is not and cannot become an international question, and, in support of this latter opinion, his Excellency quotes the provision of the Statutes which declares "that the undertaking is considered national to all intents and purposes, and, as such, subject only to the laws of the kingdom, and to the Portuguese authorities."

Such is a brief summary of the ground of argument relied on by Mr. Lindsay, on the one side, and replied to on the other by the Duke de Loulé, on the part of the Portuguese Government; and on its solution, according to views of the one party or of the other, the question now turns.

Mr. Lindsay received, a few days ago, a letter from the secretary of the Company, enclosing to him an extract from the "Diario de Lisboa," the Government official journal, announcing that the payment of the dividends of this Company due for the year ended March 1862, was in progress at the office of the Company.

Although the sum to be received by Mr. Lindsay would amount to between 2,000 £. and 3,000 £., he has decided, by the advice of his lawyer here, not to accept it from the Company, because, by so doing, his lawyer believes he would acknowledge, to a certain extent, the validity of the direction, against which he had previously protested, and thus weaken his claim against the Government, whom Mr. Lindsay holds to be responsible.

Mr. Lindsay, who leaves by the Brazil boat, by which I intend to forward this Despatch, announced to me this day his intention to address me a letter for transmission to the Duke de Loulé, expressing his willingness to accept the payment of his dividends from the Government, though he refuses to do so from the Company; but I do not expect that his proposal will be acceded to, and, in fact, I believe it is not made in that expectation.

I enclose, in addition, for facility of reference, a printed copy of the memorial

memorial presented on behalf of the British shareholders to this Government in October last, translation of which was forwarded in my Despatch, No. 1, of the 3d instant. Appended to this memorial is the Portuguese lawyers' opinion, declaring this Government responsible to those shareholders who had protested. Mr. Lindsay has had these documents printed for circulation among members of the Cortes, and other persons of influence in this capital.

I have, &c.
(signed) *Arthur C. Magenis.*

The Right Honourable
Earl Russell, K.G., &c. &c. &c.

Enclosures in No. 23.

(6.)

My dear Sir Arthur,

Braganza Hotel, Lisbon, 6 January 1863.

I HAVE received copy of the letter of yesterday's date addressed to you by His Excellency the Duke of Loulé. It is not, however, I presume, meant to be an answer to my letter of the 1st instant.

I am well aware that the Chief of the Cabinet of this country must have many questions to occupy his earnest and often his immediate attention, but I think you may venture to remind His Excellency that the important memorial (and I am prepared to prove the facts in that memorial) referred to in my last, was delivered to him as far back as the early part of October, and that it was only on the 31st ultimo he informed you that he had sent it to the legal advisers of the Crown for their opinion.

In my letter to you of the 1st instant, I stated that after what had taken place I could have nothing more to do with the persons who style themselves the Directors of the Royal Union Mercantile Company, and I gave my reasons. I adhere to that resolution.

I further stated that I was ready to go into the affairs of the Company in an amicable and liberal spirit, and to meet any person (the Directors excepted) his Excellency might be pleased to name, to consider with me the re-organisation of the undertaking. On that question I gave my opinion nearly a month ago to Mr. Palha; but as his Excellency desires that I should again do so, I may here repeat what I then stated.

1st. Call upon the Directors to refund the money they have taken from the coffers of the Company, which would amount to more than sufficient to liquidate all my debentures with interest.

2dly. Call upon the persons to whom the Government made the loan to repay the amount. Failing this, the Government would do well to get all the shareholders of the Company, to whom they supposed the loan had been made, to consent to issue shares to the Government in exchange for the loan, and thus secure it by capitalising it.

3dly. The Government should double, at least, the annual subsidy, for it is much too small in comparison with what is granted to similar undertakings in other countries.

4thly. Steps should be taken to place the business of the Company in the hands of some honest and active firm who understand it, and who would attend to it, and if the assistance of some person familiar with steamships is required to assist, I daresay I can find such a person.

5thly. All accounts should be made up, closed, and audited every six months; and,

6thly. Two competent persons should be named (they may be called "directors," and paid according to the work they did) who would represent the Government and other shareholders, and audit the accounts.

If these changes were made and vigorously carried into effect, I think the stock of the company might be made to pay more than seven per cent. per annum, and the Government would have regular lines of steamers, which would prove of great value to this country and to its African possessions.

I fear, however, that in making these suggestions, and which I do by the desire of his Excellency, and without prejudice to my full and entire rights, that no attention may be paid to them, because I have remonstrated against the mismanagement of the Company, and protested against their illegal acts for years in vain; and I have now been here for more than five weeks, and no more has been made to meet my just claims. On the contrary, I see this afternoon that the directors publish in a Lisbon newspaper something like an attempt to repudiate them in the face of all the bonds and letters they have signed in my possession.

I respect, and indeed I admire, your anxiety to maintain the friendly relations which have long existed between the two countries, and in the business which has brought me here I think you will admit that I have shown every disposition to settle it in a friendly and in a liberal spirit; but I cannot remain here much longer, and if a definite reply is not given in the course of this week to my letter of the 1st instant, I must leave for England, and claim, which I do not now do, compensation for the wrongs I have suffered, besides the restoration of my capital.

I am, &c.
(signed) *W. S. Lindsay.*

Sir A. Magenis, K.C.B.,
&c. &c. &c.

(7.)

My dear Sir Arthur,

Braganza Hotel, Lisbon, 12 January 1863.

It is now between three and four months since the memorial, referred to in my former letters, was presented to his Most Faithful Majesty the King of Portugal, and I am not aware that its receipt has ever been acknowledged. It is now more than six weeks since I arrived in Lisbon, and the business, which at great inconvenience brought me here, does not appear to have advanced one step.

I am still waiting a definite reply to my letter of the 1st instant, and as yet I have had no answer to my letter of the 5th instant.

As the time approaches when I must return to England, would you do me the favour to ask the Duke of Loulé if he will at least grant me an opportunity, before I leave, of proving the accuracy of the statements in the memorial to his Most Faithful Majesty, and the total inaccuracy of the claims which the Company made up against me for alleged deficiencies in the steamships which, at the request of the Minister of Public Works, I unfortunately was induced to supply, to start the undertaking, more than five years ago?

These requests are so reasonable, that I hope his Excellency will at once accede to them.

Sir A. Magenis, K.C.B.,
&c. &c. &c.

I am, &c.
(signed) W. S. Lindsay.

(8.)

My dear Sir Arthur,

Braganza Hotel, Lisbon, 17 January 1863.

YESTERDAY afternoon I received the translation of the letter which his Excellency the Duke of Loulé addressed to you, bearing date the 14th instant, in which he repeats his own opinion that he does not consider the Portuguese Government responsible, but at the same time candidly admits that he will not come to any "final resolution" till he receives the opinions of the law advisers of the Crown to the memorial.

I must express my regret that his Excellency is not yet in a position to give a reply to my letter of the 1st instant, to the applications I personally made to him six weeks ago, or to the memorial placed in his hands as far back as October last.

The appointment of a committee is often a convenient excuse for further delay. I do not say it is so in the present instance, but it would have been much more satisfactory to those British subjects who have been so grievously wronged had his Excellency been pleased to place upon that committee, not merely two gentlemen holding office under the Portuguese Government, but an equal number named by you to represent my interest as a "shareholder," when it is considered that I hold more than one-half of the stock of the Company actually paid for and legitimately issued.

Before such a committee, in whose report I could have confidence, I am anxious to give my evidence; but at the same time I am ready to appear before the gentlemen his Excellency has named to substantiate what has been stated in the memorial, in my numerous letters, and in the protest.

As time is now becoming of great importance to me, would you do me the favour to invite his Excellency to allow me, for the above object, to appear before the committee on Monday or Tuesday next.

Sir A. C. Magenis, K.C.B.,
&c. &c. &c.

I am, &c.
(signed) W. S. Lindsay.

(9.)

My dear Sir Arthur,

Braganza Hotel, Lisbon, 19 January 1863.

THE Government has, without doubt, rendered itself responsible to the shareholders who protested. The amount of their stock, with interest, &c. &c., is, in round numbers, 60,000 £. I represent the whole of it.

The whole of the debentures issued by the Company amount to 14,100 £. They all belong to me. Having a preference claim over all the stock of the Company, and over any advances made to it, they must under any circumstances be quite good.

The Government, I understand, owes to the Company more than the amount of these debentures, in unpaid subvention, and in the interest guaranteed by the acts of the Cortes and decree.

Now, nothing could be easier for the Government than to take up these debentures, passing the amount to the debit of the Company, and thus clearing the Company from all preference claims upon it, receiving as security for this payment my debentures. But even if there was no subvention, and no interest due to the Company, as these debentures, from their nature, are equal to cash (for the Government could realise their value from the assets of the Company at any moment), the Government, in making this payment, or rather by buying the debentures, or by enabling the Company to buy them, would not, in either case, thereby come under any further advances to the Company.

If

If the Government would agree to this, my reasonable proposition, I would (for I do not wish to return to England without doing something), on the other hand, agree—

1st. To refrain from enforcing my claims for the stock for three or four months, so as to give the Government ample time to consider its responsibility, and the course it ought to adopt in regard to the Company.

2dly. I would take no steps to move for the correspondence in Parliament til the end of three or four months. The mere fact of the correspondence, &c. &c. being laid upon the Table of the House of Commons and printed would, I know, send down Portuguese stock, and injure the credit of this country to an extent far, far greater than the value of all the stock of the Union Mercantile Company, and;

3dly. I would be prepared to co-operate with the Government in any reasonable and practical plan for the continuation of the service of the mails to Africa, &c. &c., and for the security of the advances which the Government has made.

I am most anxious, as you are aware, to avoid extreme measures, and as I know you are equally anxious to effect an amicable settlement, would you, as a friend to both parties (if your health permits), be so kind as to call upon the Duke, and make this proposal to him, without prejudice, or write to him on the subject.

I remain, &c.
(signed) *W. S. Lindsay,*

His Excellency Sir Arthur Magenis, K.C.B.,
&c. &c. &c.

I hope the Duke will not construe this friendly and reasonable proposal to any doubt in my mind as to the justice of my claims and the certainty of the responsibility of the Government. If ever I had any doubt on this point I have none now.

(signed) *W. S. L.*

(10.)

My dear Sir Arthur,

Braganza Hotel, Lisbon, 22 January 1863.

I RETURN herewith the letter, of date the 19th instant, addressed to you by his Excellency the Duke of Loulé, as also the official notification of the appointment, by the Government of His Most Faithful Majesty, of a Commission to inquire into the affairs of the Royal Union Mercantile Company. I have further to thank you for the copy of his Excellency's letter to you of the 20th instant.

Though the most eminent lawyers in Portugal have decided that the Government of His Most Faithful Majesty is responsible, I do not complain that his Excellency should still maintain that it is not responsible. He has a perfect right to do so if he thinks proper, but I cannot refrain from expressing surprise that, on a legal question, he should continue to repeat in all his letters his "own opinion," as a sufficient answer to the written opinions of five of the leading counsel of Lisbon.

I was glad, however, to see by his Excellency's letter to you of the 19th instant, that he had at last opened the door to have those questions set at rest, and that the Commission of Inquiry had been appointed in consequence of my representations, and that my "claims would be the basis of the inquiry." I was also glad to see that his Excellency repudiated, in the most positive manner, the idea that the Commission was named to delay the solution of this business, or that the employés whom he had appointed to constitute the Commission were otherwise than men of intelligence, with characters "above suspicion." At the same time assurances of this kind appear to me to have been unnecessary, for there is nothing in my letters to you to lead his Excellency to suppose that I thought his Commissioners were even tainted with corruption. I thought that a Commission of Inquiry, in which the English shareholders, as well as the Portuguese Government were represented, would likely be able to furnish his Excellency with a more accurate report, and one for which I would have a greater respect; and that a Commission thus constituted would be more likely to look to both sides of the case. I still hold that opinion.

In compliance, however, with the invitation, or rather the intimation contained in his Excellency's letter of the 19th instant, and with the request for all shareholders to attend, which was published in the "Portuguese Gazette," I waited upon the Commission at noon on the 20th instant. As I do not understand the Portuguese language I took with me my friend and agent Mr. Pinto Basto, and my legal adviser Mr. Abranches. You may imagine our very great surprise when we found the Commission holding its meetings, not in an office of its own, nor in one belonging to the Government, but in the office of the criminated parties, where the directors and their clerks could have free and ready access to all the books and papers of the Company, and immediate and close intercourse with the members of the Commission.

I, however, felt that I had no right to draw, even from a circumstance so suspicious, the conclusion that the British subjects who had been wronged, and who had protested against the illegal acts of the Company and of the Government, would not receive impartial justice at the hands of the Commissioners appointed by the Government; nor was I justified in supposing that because one of the persons criminated, Mr. Fradessa da Silveira, was a

Government official, and, I understand, a colleague of one of the members of the Commission, that the same measure of justice would not be served out to him as to any other person. I consequently, without remark on these circumstances, tendered my evidence, in accordance with the invitation as a shareholder, and as the only bondholder in the Company. I offered to prove, from the documents in my possession, from the books of the Company, and from the minutes of its proceedings—

1st. That certain entries in the books of the Company, where various sums had been passed to my debit, were altogether incorrect; and that the Company was neither justified in making these entries nor in allowing these sums to remain in the books of the Company as assets, thereby erroneously and falsely increasing its capital.

2dly. That the directors had, in numerous instances, appropriated the funds of the Company to their own use.

3rdly. That the directors had left unpaid its debentures which had preference claims upon all the stock of the Company, and had used the funds of the Company for the payment of debts alleged to be due to themselves and to their friends. I may here remark, that I am indeed amazed that his Excellency, in his letter to you of the 20th instant, should raise a doubt in regard to the preference right of these debentures. Even if the loan from the Government was legally made, which it was not, and even if the directors had power to grant the mortgage to which he refers (which they could not legally do without the sanction of the general assembly of shareholders), his Excellency does not surely mean that, by a mere stroke of the pen, or even by an act of the Cortes, either the directors or the Government could sweep away, without my sanction, the property of the Company, which three years ago had been especially mortgaged to me by these debentures.

4thly. I was further prepared to prove before the Commission, that the directors had borrowed money without the sanction of a general assembly of shareholders, and had misappropriated the funds thus borrowed.

5thly. That the directors and manager had been guilty of many illegal acts; and

6thly. That the Government of His Most Faithful Majesty had been a consenting party to those illegal acts, and had consequently rendered itself responsible to the shareholders who had protested against them.

The Commission, however, declined to hear me, stating that they "must act in accordance with their instructions," and that they were not prepared to receive evidence from me. I asked them when they would be prepared to do so. They answered, if they required my evidence at all, it would not be for a month or two.

I then left, and accompanied by Mr. Pinto Basto, verbally reported to your Excellency what had taken place.

I have now been here for two months. No exertions have been spared on my part to effect a just and amicable settlement. I am debarred by the statute law of this country from instituting legal proceedings against the Government of His Most Faithful Majesty. I could, therefore, only, as an English subject, appeal through you as the minister of my country. You have ably and readily assisted me; but as your efforts, as well as my own, have failed to do justice, my last and only resort (which I will most assuredly adopt) is to appeal to my countrymen, through their representatives in Parliament, and ask for the production of all the papers, including the letters of his Excellency (which though marked "private," are all on public business).

I will do so, not merely in justice to myself and those British subjects who, with me, have been greatly wronged, but as a warning to other persons to be cautious how they invest their money in Portuguese undertakings, and especially in stock guaranteed by the Government of this country, by an Act of the Legislature, and by Royal Decree, but on which, so far as I can ascertain, not one sixpence of the interest thus guaranteed, has been paid.

What course Parliament may think proper to adopt after the production of these papers, I cannot pretend to say. The people of England will see by these papers the perpetration of great wrongs to British subjects. They will see that you have remonstrated in vain against these wrongs, and it may so happen that both the Parliament of England and the Government, having regard to their own dignity and that of their Sovereign, may have recourse to measures which both you and I are most anxious to avoid.

His Excellency Sir Arthur Magenis, K.C.B.,
&c. &c. &c.

I am, &c.
(signed) *W. S. Lindsay.*

(11.)

My dear Sir Arthur,

Braganza Hotel, Lisbon, 22 January 1863.

I FORWARDED a letter to you at 1 p.m. to-day, copy of which I hope you have sent to his Excellency the Duke of Loulé, as it contained, besides my account of what had taken place before the Commission, an answer to various questions raised in his letters to you of the 19th and 20th instant.

Since dispatching the above, I have received the letter which his Excellency addressed to you, dated yesterday. It is at least satisfactory to find that you now receive prompt replies

replies to your letters. The enclosure I have handed to Mr. Pinto Basto and Mr. Abranches to answer. They, understanding the Portuguese language, will be able to give an accurate account of what was said by the Commissioners when I tendered my evidence; and it is fortunate that two witnesses accompanied me. I may merely remark that the items which the directors passed to my debit, form part of the accounts of the Company, and I presume that one object of the inquiry is to see to the accuracy of the books.

By reference to the report of Mr. Herries to Earl Russell, you will see that the directors never even ventured to raise, in their own courts of law, these manufactured accounts, as counter claims against me, and as a reason for not paying my debentures.

The Commissioners, it is true, sent me a formal invitation the day after I had seen them, but it was merely to inform me that if I had anything "new" to state, they would hear me. I have no desire to raise any new questions; a sufficient number of questions have been already raised. It was to confirm the accuracy of these, as stated in my letter to you of to-day's date, that I desired to give my evidence; and if the Commission was not appointed to inquire into these questions, I am at a loss to understand for what object it is sitting.

I am glad to find that his Excellency in his letter of yesterday, does not again deny the responsibility of the Portuguese Government, but even furnishes you with a clause from the contract, which was entered into when the Company was formed; and which he says must debar the English shareholders from appealing to the only court of justice which is open to them. The clause is not exactly as he gives it. I have the contract before me. It is very short, and is dated the 28th April 1858. The words are these: "The Company is considered a national one for all purposes, and is, in this capacity, subject only to the laws of the country, and to the Portuguese authorities."

The meaning of the clause is clear enough. It prevents me from proceeding against the Company in an English court of law. I am sorry for it, for if I had had that power, my debentures would have been paid long since. I am not, however, proceeding against the Company for the value of my shares, but against the Government of Portugal, who, by its illegal acts, have rendered them nearly worthless. If I was a Portuguese subject, having a claim upon this Government, my only appeal, by the laws of this country, would be through the Cortes; but an English subject has no such right, and he must, therefore, make his claims against the Government of Portugal, through his minister, or through the British Parliament.

Consequently, the question is, to all intents and purposes, of an international character, and no clauses which his Excellency can pick out, and no laws which he can pass, can debar me from the right of appealing to the Parliament of my country.

His Excellency Sir Arthur Magenis, K.C.B.,
&c. &c. &c.

I am, &c.
(signed) W. S. Lindsay.

(19.)

(Translation.)

My dear Sir Arthur,

Lisbon, 19 January 1863.

I ACKNOWLEDGE the receipt of your letter of the 17th, enclosed in which was the one addressed to you by Mr. Lindsay, on the same date.

I cannot help presenting some observations to you with respect to what Mr. Lindsay says in his letter above mentioned.

You will remember that I have always told you that it is my opinion that His Majesty's Government is not in any way responsible to Mr. Lindsay, even should the exactness of all the facts alleged by him be proved; but you are perfectly well acquainted with the practices of public administration, and, consequently, you are not ignorant that ministers never adopt a final decision on points of law, without consulting the proper departments, and without hearing the opinion of men versed in the law, namely, the lawyers of the Crown, the indispensable counsellors in such cases. By acting as I did, and forwarding Mr. Lindsay's claim to the Assistant Attorney-General to the Crown in the Department of Public Works, Commerce, and Industry, I have followed the proper rules of administration, and have shown the wish of His Majesty's Government to be duly informed on this subject.

The examination made by the law officer of the Crown, of Mr. Lindsay's memorial, has already been the cause of the appointment of a Committee of Inquiry, as I have already acquainted you, and from the copy of the Government Order (Portaria) which I send you, you will see that the committee has the charge of hearing, not only Mr. Lindsay, but also every shareholder of the Company União Mercantil, who may wish to lay before it any complaint, claim, or information. The committee having been appointed in consequence of Mr. Lindsay's memorial, it is evident that his claim is to be one of the bases of the inquiry, and Mr. Lindsay may, therefore, rest assured that the committee will inquire into all the facts adduced by him against the directors of the Company; and he may also on any day call on the members of the committee at the office of the Company, to give them any explanation.

Allow me, my dear Sir Arthur, to reject, in the fullest manner, the idea that the committee was appointed to delay the solution of this affair. The Government wishes to obtain a

perfect knowledge of everything relating to the Company União Mercantil, to be able to decide the affairs concerning it, in accordance with its rights, with the laws of the country, and with the public convenience.

You will observe that the Government has ordered the committee to take charge of all the mercantile books of the Company, and of all the documents, directing the book-keeping to be carried on, whilst the inquiry lasts, in supplementary books.

I am surprised that Mr. Lindsay, a man conversant with affairs, should imagine that a Committee of Inquiry is a committee of arbitrators. If it were a committee of arbitrators it would be just that they should be appointed by the Government and by the complaining shareholders; but the committee is one of inquiry, and not for arbitration, or judgment, and therefore no one interested could take part in it, since, however respectable his character might be, his report might be considered partial.

In appointing the committee as I did, I have followed the most elementary rules of good administration; and you may be sure that the officials selected by me for this work are, on account of their intelligence and character, beyond all suspicion whatever. They will report to the Government with full exactness and truth; and thus far does the charge committed to them extend.

I again, therefore, repeat that it is difficult for me to comprehend how Mr. Lindsay could imagine that either he, or some one else representing him, ought to be a member of the committee.

Accept, my dear Sir Arthur, &c.

Sir Arthur Magenis.

(signed)

Duke of Loulé.

(21.)

(Translation.)

PORTARIA or Ministerial Order through the Department of Public Works, appointing a Committee of Inquiry into the acts of the Company União Mercantil.

MR. WILLIAM SHAW LINDSAY, a subject of Her Britannic Majesty and a shareholder in the Royal Company União Mercantil, having made representations against several acts in the management and administration of the said Company, and whereas it is proper that the Government should obtain the amplest and fullest information on the subject, in order that it may adopt, within the limits of its own functions and rights, those measures that may be just and convenient: His Majesty the King ordains through the Department of Public Works, Commerce, and Industry, that the Councillor Antonio Jozé Torres Pereira, at the head of the Account Department in the Home Office, Jozé de Torres, at the head of a section in the Statistical Department of this office, and Jozé Maria d'Andrade, constituting a Committee of Inquiry, shall proceed with the greatest urgency to a most minute examination of all the acts in the administration and management of the Company from its foundation till the present day, receiving from its directors all the books, memoranda, and documents of their mercantile transactions, to be kept by them, under their own power and custody, as long as the inquiry lasts, without the said committee hindering in any manner whatever the continuation of the acts and operations of the Company, which is to continue its functions independently of the inquiry, according to the terms of its statutes, carrying on its book-keeping in supplementary books.

His Majesty likewise ordains that the committee shall exact from the present and the former directors and managers all the explanations and information that it may deem necessary, and shall invite, by means of public advertisements, all the shareholders also to furnish any information that they may consider to be useful.

And His Majesty commands the foregoing to be made known to each of the members of the said committee for the proper purpose.

At the Palace, January 14th, 1863.

(signed)

Duke of Loulé.

(25.)

(Translation.)

My dear Sir Arthur,

21 January 1863.

I ACKNOWLEDGE the receipt of your letter of the 20th of January.

I immediately ordered it to be communicated to the members of the Committee of Inquiry, who, in their answer, which I send you in copy, give an explanation which I hold to be fully satisfactory.

I already expressed to you yesterday the regret which I feel at seeing that Mr. Lindsay wishes to take this question before the British Parliament, and, at the same time, the full confidence which I cannot but place in the enlightened spirit and impartiality of your Government.

It would be necessary to forget all the rules of law to admit that any claim of Mr. Lindsay, as a shareholder in an anonymous company, having its seat in Portugal, and which was organised according to the laws of this country, can form the object of an international question. This rule is so general, and so elementary, that even if it had not been expressly laid down with reference to this undertaking, Mr. Lindsay could not ignore

ignore it; but in order to obviate all doubt, I cannot help calling your attention to the contract signed by all the founders of the Company, one of them being Mr. Lindsay, represented by his attorney, wherein it is expressly laid down, in the 21st condition, "that the undertaking is considered national to all intents and purposes, and, as such, subject only to the laws of the kingdom, and to the Portuguese authorities."

As a shareholder of the Company Uniaõ Mercantil, and for the effects resulting from his contract, Mr. Lindsay can have no more rights than any other Portuguese shareholder.

Sir Arthur C. Mageniz,
&c. &c. &c.

Accept, my dear Sir Arthur, &c.
(signed)

Duke of Loulé.

(27.)

(Translation.)

Most Illustrious and Excellent Sir,

By your Excellency's order, the chief of the section of Commerce and Industry has just communicated to the Committee of Inquiry appointed by the Government, on the administration and management of the Company, Uniaõ Mercantil, the private letter of Her Britannic Majesty's Minister at this Court, with reference to the conference which the shareholder of that Company, Mr. Lindsay, had with the said committee yesterday, the 20th instant. In consequence of this the committee has the honour to acquaint your Excellency with the following observations, with which it impugns those made by that shareholder and claimant to his Minister.

Mr. Lindsay says, that it was a cause of surprise to him to find the committee meeting and working in the very office of the Company.

We will draw a distinction.

The committee meets in the same building as the Company, but on the first floor, in an independent and private house, placed entirely at its disposal, where it has got under its custody the books and documents concerning the whole administration of the Company from its foundation till the 16th instant, when the committee commenced its functions.

The Company's office is on the second floor of the same building, and independent of the office of the committee.

And the committee could not meet at a better place for the inquiry to be of use and as expeditious as possible. The information of which the committee is at every moment in need, demanded that it should be near at hand to the administration whom it requires to consult, in order not to protract and delay indefinitely its work by means of written correspondence.

The proximity of the two offices was also advisable in order not to disturb the administration of the Company, which may in many of its acts require, and does require to get from the committee elements to continue the book-keeping in the supplementary books; elements of which the administration was deprived, by the fact of the committee having suddenly taken possession of all its books and documents, in the state in which they were found; the said administration having had no notice given to it of the appointment of a Committee of Inquiry upon it.

All this shows, that, for the office of the committee to be in the same building as the office of the Company, has not got the drawbacks ascribed to it.

The guarantees required by the parties interested ought to be others; guarantees of a moral order, far superior to those raised by these groundless apprehensions; it not being yet the time, until the presentation of the general result of the inquiry, for setting the proper value on those which the committee may offer to the parties interested, and to the Government.

Another cause of surprise to Mr. Lindsay was, that a clerk of the Company was present at the proceedings of the committee; and that the directors had free access to the office where the inquiry was being proceeded with.

It would be more prudent for Mr. Lindsay not to venture upon such a suspicion, until he became acquainted with the plan of the committee's proceedings.

The clerk whom he found there was an agent, an employé in the confidence of the Company, called and admitted in this capacity only.

As the committee is proceeding at present to the collecting of thousands of cash documents, which were delivered to it, in order to enable it to ascertain in a solemn manner those it has received, and those that perchance are missing, it is obvious to all, having a tolerable knowledge of the importance of this operation, that the aforesaid collation ought not to be made, without the concurrence of the manager of the Company, or of a person in his confidence, in order that the Company might at no time complain that documents were missing, which had been delivered by it, and had been mislaid by the committee. If the committee did not proceed in this manner, it would be liable to incur a serious responsibility which it neither ought nor wishes to assume.

As soon as the collation of these cash documents is concluded, the necessity of the presence, at the office of the committee, of the employé to whom the administration of the

Company has delegated that charge, ceases, and no more employés or directors of the Company will be seen at the office of the committee, except those called upon to give information, or those who may go and seek it for the regular continuation either of the administration or of the supplementary book-keeping. With the exception of these cases it is incorrect and groundless to suppose that the directors frequent the office of the committee, or are present and assist in the carrying out of the inquiry.

Mr. Lindsay asserts that, on presenting himself before the committee with bundles of documents with which he wished to prove his accusations against the administration of the Company, the said committee had answered him, that it could not receive his evidence, until it had concluded the general examination and investigation of the affairs of the Company.

The committee will now re-establish the facts, and for this end it invokes the testimony of Doctor Antonio Joaquim da Silva Abranches and Mr. Theodoro Ferreira Pinto Basto, who accompanied Mr. Lindsay to the conference, one as his lawyer and the other as his friend and interpreter.

The committee hopes these two gentlemen will bear witness to the truth, and that the one who acted as interpreter did not fail to transmit faithfully to Mr. Lindsay the explanations and answers, which the committee gave him.

Mr. Lindsay, provided with two or three bundles of papers, which were said by him to be documents, appeared yesterday in the office of the committee, to give information concerning the Company *União Mercantil*.

On asking the committee whether it was acquainted with the nature of his representations to the Portuguese Government, he got an answer in the affirmative, and that they would be held in full consideration in the general inquiry to which it proceeded.

On that shareholder and claimant offering to show the committee the documents concerning his accounts and transactions with the Company, the committee was of opinion that it was not competent to take cognisance of the same, because it appertained to the tribunals alone to form a judgment as to the impugning and liquidation of such accounts. On Mr. Lindsay declaring that with regard to his accusations against the Company, he could not give the committee any other information or documents in addition to those mentioned in his representations to the Government, the conversation with respect to those documents was not continued.

On Mr. Lindsay insisting upon the committee ascertaining especially and in the first place the points of his complaints, because he could not stay any longer in Portugal; the committee replied, that it could not do so, because the end of the inquiry was more general, comprehending not only what Mr. Lindsay pointed out, but also any other complaints that might still be presented by other shareholders, in consequence of the public invitation made to them, and besides this, anything that might appear to be irregular in the administration of the Company.

The committee did not say that it could not receive Mr. Lindsay's evidence until the conclusion of the general examination, but it said, that only in the course of the same examination, or after its conclusion, would it be able to know whether it would require to request other information from Mr. Lindsay, in addition to that which he had already given in his representations to the Government.

The committee did not tell Mr. Lindsay that the general examination would take one or two months, but it declared that it could not well calculate the time which it would take; and that, by shortening it, it does not wish to prejudice an examination, which had reference not only to the representations of the said Mr. Lindsay, but also to many other public and private interests.

And so much did the committee not wish to avoid hearing Mr. Lindsay, that this very day it has invited him in writing to declare unto it, whether he wished to furnish it with new information or accusations on the points already mentioned in his representations, or on others concerning the management and administration of the Company; provided such information has no reference to the liquidation of his accounts, for which the committee is not competent.

Mr. Lindsay's suspicion that the only end of the committee is to gain time until his departure, is groundless; and the committee rejects it as injurious to the character of its members, and to the instructions which it received from the Government.

The committee wishes to work with activity, but does not wish to compromise through thoughtlessness the inquiry intrusted to it. It will spend therein the time that may be indispensable to form its judgment; but it neither can nor will modify its method of examination at the whim of any interested party, because above all interests and individualities it places its conscience, which it is its wish to save in a question both complicated and of the highest importance for the public administration and morality.

May God preserve your Excellency.

Office of the Committee at the "Quay of the Area," No. 8, 1st floor, Lisbon, 21st of January 1863.

(signed) *Antonio Jozé de Torres Pereira.*
Jozé de Torres.
Jozé Maria d'Andrade.

To the Most Illustrious and Excellent Sir,
The Minister and Secretary of State for
Public Works, Commerce, and Industry,
&c. &c. &c.

— No. 24. —

COPY of LETTER from Mr. *Lindsay*, M.P., to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, City, 20 February 1863.

MAY I beg reference to my various letters respecting my own claims and those of other British subjects upon the Portuguese Government, and especially my letter to your Lordship so far back as the 3d February 1862, containing copy of a letter I addressed to the Minister of Public Works while at Lisbon. To that letter, however, the Minister made no reply, and various other communications have been treated in a similar manner. Though the Government of his Most Faithful Majesty has not merely broken faith with us, but have also, in numerous instances, violated the laws passed for the security of our capital, I was anxious to avoid the necessity of appealing to your Lordship to adopt measures which would disturb the existing friendly relations between Great Britain and Portugal. I consequently again, and for the third time, visited Lisbon on the 28th November last, and remained there until the 1st inst., in the hopes that I might effect a just and amicable settlement. I received great assistance from Sir Arthur Magenis, who spared no exertions to make himself fully acquainted with the nature of our claims, and who personally and by letter made on behalf of myself and the other British subjects, the most earnest appeals for justice to his Excellency the Duke of Loulé. We laid before his Excellency the letters of the Minister of Public Works, the bonds securing the stock, and reminded him of the Acts of the Legislature of Portugal and the Royal Decree, guaranteeing the payment of the dividends. The written opinion of the most eminent lawyers of his own country, stating that the Government of Portugal, by its illegal acts, had rendered itself responsible to the English stockholders, who had solemnly protested against these acts, was also laid before his Excellency. I further offered to prove these illegal acts, and to show how the statutes had been violated before any persons the Government of Portugal might be pleased to name.

No claim for compensation was made, even though much valuable time had been lost to us as men of business, and, apart from the depreciation of our bonds and shares, we had suffered much loss. All I asked was the restoration of my own capital and of that of the other English shareholders at the price we paid for the stock which the Government of Portugal, by the violation of its own laws, had rendered nearly worthless. Indeed, so anxious was I to come to an amicable settlement, that I offered to make an ample allowance for counter claims made against me, even though Sir Arthur Magenis, after investigation, declared these counter claims to be frivolous and without foundation. In all my efforts, I had, as I have stated to your Lordship, his best assistance, but up to the time I left Lisbon it was of no avail. Though the legal adviser to the Legation has, I understand, held the Government of Portugal to be responsible; and though Sir Arthur Magenis has, I also understand, written numerous letters warning that Government of the serious consequences which must arise from a denial of justice, my claims and those of the other English subjects remain in much the same position as they were 12 months ago; and it may be said that little or no attention has been paid by the Portuguese Government even to the letters of our Minister. In fact, the first letter he addressed to the Duke of Loulé after my arrival in Lisbon was not answered for three weeks.

I and the other holders of the Portuguese stock are now at a loss to know what to do. We still hesitate to ask your Lordship to have recourse to measures to compel the Portuguese Government to abide by its agreements and its laws; but the amount of money at stake is considerable, and we are in ourselves powerless, as the matter is now beyond the reach of any courts of law. All we can now do is to appeal to your Lordship for protection from great wrongs.

I have, &c.

(signed) *W. S. Lindsay.*

The Right Honourable the Earl Russell,
Secretary of State for Foreign Affairs,
&c. &c. &c.

— No. 25. —

(No. 25.)

COPY of DESPATCH from Sir *A. C. Magenís* to the Right Hon.
Earl *Russell*.

My Lord,

Lisbon, 28 February 1863.

I HAVE the honor to acknowledge the receipt of your Lordship's telegram of the 26th instant, respecting Mr. Lindsay's claims against this Government.

Your Lordship instructs me to represent Mr. Lindsay's case personally to the Portuguese Minister for Foreign Affairs, and I have requested the Duke de Loulé to give me an interview on Monday or Tuesday next, when I will not fail to carry out your Lordship's instructions.

I may, however, at once mention that I saw the Duke de Loulé on the 26th instant, on the evening of which day your Lordship's telegram reached me; and that I told him Mr. Lindsay's case was everyday becoming, in my opinion, more serious; and that I foresaw, unless something was done to satisfy him (and I added he had evinced in the whole matter a very conciliatory spirit), I was confident a motion would be made in Parliament to lay on the table of the House the correspondence on this subject, and that it would not be resisted by Government, for if no other practical result followed, it would serve as a warning to other British capitalists not to embark in speculations in this country, or to put faith even in those speculations which were supported and patronized by the Government. I said that I could hardly doubt the production of this correspondence would give a blow to Portuguese credit in England, and he was well aware how important it was to this country to support in every way that credit.

The Duke de Loulé, with more warmth than he usually shows, answered "How can you make the Government responsible for the proceedings of an anonymous society, or how can its credit be shaken by those proceedings?" I answered I entirely acquit this Government of any preconceived intention of injuring Mr. Lindsay, or the other British shareholders in this Company; for it was evidently the interest of that Government, as the principal creditor of the Company (they having, as His Excellency had previously informed me, advanced close on 120,000 *l.* to it, as well as from their interest in maintaining a regular and periodical communication, with their colonies) that the Company in question should prosper and continue; but if the injury had been caused by the negligence of the Government in not watching over the proceedings of the Company, as they had engaged to do, the result to the British shareholders was practically the same; and I concluded by saying that, from the very commencement, I had warned His Excellency that this question was far more serious than he seemed inclined to think.

I confess to your Lordship I do not expect much result from my personal representation of Mr. Lindsay's claims, nor do I indeed believe that an official representation would be attended with greater effect. The Duke de Loulé will intrench himself behind the opinion of the law advisers of the Crown, respecting the non-responsibility of the Government towards Mr. Lindsay; and whether that opinion, or that of the advocates consulted by Mr. Lindsay, be the legally correct one, this Government will hold to the opinion of their own law advisers, and maintain that the question is simply one between Mr. Lindsay and the Company, and to be judged alone by Portuguese law and in Portuguese courts.

I have, &c.
(signed) *Arthur C. Magenís.*

— No. 26. —

EXTRACT of DESPATCH from Sir *A. C. Magenis* to the Right Hon.
Earl *Russell*.

My Lord,

Lisbon, 9 March 1863.

ALTHOUGH I requested the Duke de Loulé to grant me an interview at his earliest convenience, on the 28th ultimo, and I was twice to have seen his Excellency last week, yet he was prevented by indisposition from keeping his appointment, and I only saw him on the 7th instant.

The Duke de Loulé began by observing he did not see in what respect this Government had failed in its promises; upon which I put into his hands the first instruction from the Department of Public Works in February 1859 to the agent of the Government, stating that he "is to watch that in the general assemblies" (of the Company) "the deliberations are carried on with all the legality and with a sufficient number of shareholders, according to the statutes, of which he has received a copy, and the decisions are taken in legal terms, reporting any infractions which may be made in those regulations to the Government," &c., as stated in the last page of Mr. Lindsay's printed memorial, of which a copy was transmitted to your Lordship in my Despatch, No. 11, of the 28th of January last; his Excellency then replied, Mr. Lindsay had attended these assemblies himself; to which I answered, once, when nothing of importance was transacted, and that he had never been represented by any one holding his power of attorney, as he emphatically denied that Mr. Ellicot had ever been authorised to act as his representative.

I requested the Duke to inform me what reply I was to make to your Lordship. He then said, reading a letter which had been brought into him, that the opinion of the law officers of the Crown was ready, and only required to be written out fairly, and that he would send it to me in a few days; that he had endeavoured, by appointing a commission to investigate the accounts and books of the Company, to arrive at the truth; and, admitting that some of Mr. Lindsay's allegations had been proved, that in all probability the direction would be entirely reorganized; and he finally promised me that he would use his best endeavours to settle the matter in an amicable manner.

I observed that Mr. Lindsay, while here, had shown a very conciliatory spirit; had declared frequently in his letters, of which I had forwarded copies to his Excellency, and by word of mouth when I introduced him, that he had no desire to break up the Company, which he thought, if well and economically managed, might prove a very good investment; besides, too, the shareholders had the Government guarantee of seven per cent. to fall back on as a minimum rate of interest. Mr. Lindsay had also pressed the Government to take his debentures, amounting to about 15,000*l.*, with six per cent. interest guaranteed by a first mortgage on the plant of the Company; and though I had now no authority on his behalf to make any proposal to that effect, it appeared to me not improbable that he would still hold to his former proposal. The Government, which was now the largest though not the first creditor of the Company, would thus become the sole creditor, and, in the not impossible event of the dissolution of the Company, would be enabled to keep up the steam communication with its colonies. I was, however, very particular in assuring the Duke that I was not authorised to make any such proposal on Mr. Lindsay's behalf, and though I only suggested at present a proposal he had made himself when here, and would certainly have held to it, yet it might not suit his views to accept it now:

I have, &c.

(signed) *Arthur C. Magenis.*

The Right Honourable
Earl Russell, K.G.,
&c. &c.

— No. 27. —

COPY of DESPATCH from Sir *A. C. Magenis* to the Right Hon. Earl *Russell*.

My Lord,

Lisbon, 24 March 1863.

Six Enclosures.

WITH reference to my Despatch of the 9th instant, I have the honour to transmit herewith to your Lordship, in translation, the opinions of the law officers of the Crown of Portugal upon Mr. Lindsay's claims; and by which your Lordship will perceive that it is denied that Mr. Lindsay has any claim upon his Most Faithful Majesty's Government.

I have sent the opinions referred to to the law adviser of Her Majesty's Legation for his opinion, which I shall also have the honour of transmitting to your Lordship so soon as I shall have received it.

The Right Honourable
Earl Russell, K.G.,
&c. &c.

I have, &c.
(signed) *Arthur C. Magenis.*

Enclosure 2, in No. 27.

(Translation.)

OPINION of the Assistant Attorney General to the Crown, on the Lindsay Question.

Most Illustrious and Excellent Sir,

I REQUEST your Excellency to excuse the great delay of mine in giving my answer with respect to the memorial addressed to the Government by William Schaw Lindsay, and other shareholders of the Company *União Mercantil*. The importance of the subject, the incidents which have complicated it, and the necessity I have been under of attending to other equally important and more pressing affairs, were the causes of my delaying this answer longer than was required to examine and study the question.

It has been my constant opinion, and one which I have expressed in several conferences in your Excellency's presence, that Mr. Lindsay and his colleagues had no right to claim from the Portuguese Government the amount of the shares of which they are the bearers. I will at present show at a greater length the reasons upon which I ground my opinion.

The Government, making use of the authorisation granted by the law of the 16th of July 1857, declared by the decree of the 6th of May 1858, the concessions made to Low, Brothers, & Co., on the 26th of January 1856, and to Theophilus Bernex Philippon, on the 18th of April of the same year, to be null and of no effect. This decree also approved the contract entered into on the 5th of May 1858, in the register of the Notary Public, Antonio de Abranches Coelho, between the Government and Edward Medicott, Fortunatus Chamiço, junior, José Antonio Pereira Serzedello, Francisco Antonio Flores, Joaquim Henriques Fradesso da Silveira, Candido de Freitas e Abreu, William Schaw Lindsay, and Pinto, Peres, & Co.

The object of this contract was the establishment of a regular line of steam ships between Lisbon and the ports of Ponta Delgada, Angra and Horta, in the Archipelago of the Azores, and between Lisbon and the ports of Portuguese, Western Africa. By the 1st and 8th conditions of the contract, the Government adjudicated and guaranteed the exclusive right of this navigation to the Company, *Unias Mercantil*, which the said proposers wished to form.

In truth, those individuals did found the Company *União Mercantil*, and agreed to the statutes by which it was to be ruled by the public deed of the 10th of May 1858. The decree of the 14th of the same month and year approved the establishment of the company, and confirmed the social compact.

By the contract of the 31st of August 1858, the Company engaged to establish a regular steam navigation between Lisbon and the ports of Villa Nova de Portimao Othas, Tavira, Villa Real de Santo Antonio, and Sines.

The statutes were subsequently altered on three points:

1st. Raising to 900,000,000 reis, the primitive capital of 450,000,000 reis. This increase was approved by the decree of the 23d of May 1859.

2d. Allowing

2d. Allowing the emission of debentures to bearer, with a fixed interest and certain rate for redemption, provided their amount did not exceed two-thirds of the Company's capital. This new stipulation of the statutes was approved by a decree of the 28th of September 1859.

3d. Modifying the 26th, 29th, and 31st Articles of the Statutes, in order to enable the regular meetings of the General Assembly to take place. These modifications were approved by a decree of the 23d of May 1860.

William Schaw Lindsay sold to the Company, Uniaõ Mercantil, as soon as it was founded, the steamer "Lindsay," which is now called the "Dona Estaphania," for the sum of 85,500,000 reis, or 19,000 £, half this price being paid in bills, and the other half in shares of the Company. By a public deed, registered in the books of the Notary Public, Antonio de Abranches Coelho, on the 20th of December 1858, the same William Schaw Lindsay sold to the aforesaid Company two steamers, the "Ireland," now called the "Don Pedro," for the price of 135,000,000 reis, or 30,000 £, and the "Clarendon," now called the "Africa," for the price of 112,500,000 reis, or 25,000 £, these two sums amounting to 247,500,000 reis, or 55,000 £. One half of this sum was paid in shares of the Company; the other half in six bills at 6, 12, 18, 24, 30, and 36 months' date, and amongst other conditions under the following ones:

1st. That if any of the aforesaid six bills were not paid, all the later ones should be considered due.

2d. That the two ships "Don Pedro" and "Africa," were a special mortgage for the full payment of those bills.

3d. That all the other property, effects, rights and shares of the Company, were to be a supplementary mortgage.

The first bill became due and was paid. The second became due and was not paid. On account of this default, and in accordance with the terms of the contract, William Schaw Lindsay had a right, without any dependence upon a process, to demand the sale at public auction of one only, or of the two steamers in the port of Lisbon, or in any of the ports in England, at his own option and choice. He did not, however, make use of this right; but, rather, on the contrary, on the 28th of December 1859, he came to an agreement with the Company, in which he agreed to receive at that date the sum of 36,000,000 reis, or 8,000 £, and the balance of his credit in debentures of the company, of the value of 68,450,000 reis, or 16,100 £; and, on the same day he ratified, by a public deed written out in the books of the notary, Abranches, the agreement which he had made with the directors and representatives of the Company, expressing himself in the following manner, in these very words:

"That having entered on the same date into a new agreement and convention with the directors, the second consenting party, in the name and in the capacity of representatives of the Company, Uniaõ Mercantil, as to the form of payment of the balance of half the price for which he had sold to them his steamships "Clarendon" and "Ireland," now called the "Africa" and "Don Pedro," stipulating new conditions and guarantees, to which the second parties agreed in a private writing, he, Lindsay, by the present deed, and in the best form of law, declared to be extinct and of no effect, the special mortgage placed on the said ships by the deeds of the 4th of November, and 20th of December 1858, which were continued in my note as a guarantee for the bills drawn on the 1st of the aforesaid month of November, by him, Lindsay, and accepted by the directors of the Company, which are also to remain of no effect, in virtue of that new engagement."

The debentures mentioned in this agreement were issued in virtue of the alteration which I stated above, made in the statutes and approved by a decree of the 29th of September 1859. They are titles granted in trust, of 100 £ each with 6 per cent. interest payable half-yearly, and a rate of redemption of 12 per cent. paid annually.

The Company paid William Schaw Lindsay all the instalments up to June 1861, but did not pay those corresponding to the last six months of that year.

Founding himself upon this default, and interpreting the agreement of the 28th of December 1859 in the most favourable sense to his claim, William Schaw Lindsay sued the Company in the Commercial Court of Lisbon of First Instance, claiming from it: 1stly, 14,100 £, being the amount of the unredeemed debentures which he had received. 2dly, the corresponding interest, expenses with the protest of bills, losses and damages. 3dly, 97 £ 3 s. 7 d. with the respective interest thereon, being payments which he had made in London on account and by order of the Company. The suit was proceeded with in the regular forms, and on the 5th of June 1862 judgment was given, acquitting the Company from prosecution on the first and second claim, and acquitting it from the suit on the third. From this sentence William Schaw Lindsay lodged an appeal, and the suit is still pending on the decision of the Commercial Court of Second Instance.

Under these circumstances, William Schaw Lindsay and others addressed a memorial to the Government, wherein, stating the loss of the capital in their shares to be inevitable; they ascribe this risk to the arbitrary, null, and illegal acts of the directors, and of the

general assembly of the Company, Uniaõ Mercantil: they say that the Government is an accomplice in these acts, that it approved them, and became therefore responsible for them; and consequently that the Portuguese Treasury ought to pay over to them the capital of their shares, and the interest already due and hereafter to become due.

Let us examine the grounds of this claim. In the first place:

"Illegality of the general assemblies which met on the 7th and 27th of July, 2d of August, 18th of September, 5th of November, 15th and 21st of December 1858, 19th of September and 24th of December 1859, 2d of April 1860, and 1st of June 1861; in which there were violations of the statutes in the Articles 35th and 36th with respect to the manner of calling them together; in the 38th Article with respect to the conditions required to qualify any one to take part in a general assembly; in the 26th and 31st Articles with respect to the constituting of the same; and in the 28th Article as to the manner in which the absent shareholders may be represented there."

By the 25th and 26th Articles of the Statutes, the shareholders who shall at least possess ten shares, are alone to have a vote in the general assembly; and in order that the latter may be considered as constituted, it is necessary, 1stly, that there should be at least 30 shareholders present; and 2dly, that one-fourth of the social capital should be represented.

It was impossible to comply with the first of these clauses in the sittings which were extraordinarily called together in the years 1858, 1859, and 1860; because the Company in 1858 had 14 shareholders, 15 in 1859, and 16 in 1860. The founders of the Company might promote the increase in the number of subscribers; but the result depended upon the credit of the undertaking, and upon the confidence which the public might place in its founders. To take shares in a Company is a voluntary act, and solely determined upon by considerations of private interest. The founders cannot therefore be responsible if the public are not eager to take part in the undertaking. What they ought to have done, and what they probably did do, was to make use of the means conducive to this end. Indeed in the extraordinary sittings of the 15th and 21st of December 1858, William Schaw Lindsay being present, they decided upon the publication of prospectuses of the Company in Portugal, Spain, and England; and they authorised Mr. Lindsay to make this publication in his own country in the most efficacious manner, and to issue security bonds for the shares taken there, receiving the proceeds of that subscription. The result was null. The influence, credit, respectability, and wealth of William Schaw Lindsay, did not bring a single shareholder into the Company. If such as Miles Stringer, Henry Mangham, John Bulley, and George Western appear there, the reason is because they had a share in the steamers sold by Lindsay, and because half the price was paid for in shares.

The Government also was not in the least responsible, because the number of subscribers did not increase from day to day. The public authorities did as much as lay in their power; they showed indulgence to the Company, in consideration of the difficulties with which it struggled in the first years after its establishment, and guaranteed by the laws of the 30th of March, and 10th of September 1861, the minimum of interest at six and seven per cent. on the capital realized by the issuing of shares. This was an incentive that might attract subscribers.

Would it be just to withdraw the Royal sanction from the statutes, for the sole reason of the Company not having succeeded in getting 30 shareholders in the first three years after its establishment? I do not hesitate to answer, it was unjust and most improper. The unquestionable utility of steam navigation to Africa and the Azores, the capital already laid out in the undertaking, the hope that it would become a remunerative concern, were powerful motives for the Government not to be inexorably severe.

The presence of 30 shareholders to form a general assembly was impossible; and by the well known legal rule, "*Impossibilium nulla obligatio est*," it is clear that the want of that number does not constitute a violation of the statutes, and that the Government had no right to withdraw the Royal sanction. We shall return to this point further on.

Mr. Lindsay says that in this case the directors ought to do one of these two things; either to call it together for the first and second time, in order to avail itself of the rule in Article 31st of the social law, or contrive to get 30 shareholders by endorsing the shares that might be necessary for this purpose.

Neither of these expedients was admissible; the first being impossible, and the second being fraudulent.

The 31st Article orders a second meeting to be convoked, should the number of shareholders necessary to form a general assembly not have appeared at the first; but at this second meeting the same article requires the presence of at least 20 shareholders. Now, as I have already said, the Company in the years 1858, 1859, and 1860, never had more than 16.

The expedient of the indorsement would be a fraud, inasmuch as those in whose favour the indorsement had been made, would go and vote in accordance with the suggestions of the original shareholders, and thus the material part of the law would be complied with; but

but its spirit and intention, and the guarantee which it thought proper to establish, would be clearly and grossly sophisticated.

The other clause of the 26th Article which requires that in the general assemblies one-fourth of the social capital should be represented, was complied with in all the meetings in 1858. Because, until the decree of 1859, the capital of the Company was 450,000,000 reis, represented by 5,000 shares; one-fourth was 112,500,000 reis, or 1,250 shares; and by comparing the records with the list of shareholders, it may be seen that those present at the said meetings, either in person or by their attorneys, possessed more than 1,250 shares.

It is important to prove the existence of this requisite, inasmuch as not only were these interests far superior in value to the minimum fixed by the statutes represented there, but also because William Schaw Lindsay was present at the sittings of the 15th and 21st of December 1858, which in spite of the absence of 30 shareholders, indispensable, according to his opinion, he says were not so illegal as the previous ones, because all those interested in the Company were represented there.

It is however convenient that I should transcribe the very words of Mr. Lindsay; he says thus:—

“However as the first petitioner (William Schaw Lindsay) represented the interests of the other petitioners (Miles Stringer and John Bulley), and those of Henry Mangham and George Western, the aforesaid meeting (the one of the 15th of December), was not so very illegal as the previous ones, since it can well be said, that all those interested at the time in the Company were represented there, although not in the manner laid down in the 27th Article of the Statutes.”

For the full comprehension of this period, it is proper to remark, that the 27th Article of the Statutes allows the shareholders who are absent to be represented by their attorney, and by the 28th Article an attorney cannot represent more than one shareholder; that in the sittings of the 15th and 21st of December 1858, the shareholders, Henry Roberts, Edmund Ellicot, Miles Stringer, and George Western were not present, and all of them had the right to take part in the assembly, inasmuch as each of them possessed more than ten shares: that John Bulley and Henry Mangham were not yet shareholders at that time.

This being premised, let us examine the assertions contained in the period which was transcribed.

1st Assertion. Mr. Lindsay took part in the sitting of the 15th of December in his own right, and as the representative of the interested parties, Stringer, Bulley, Mangham, and Western. In this manner, Mr. Lindsay asserts and maintains that he could represent more than one shareholder; and as this is prohibited by the 28th Article of the Statutes, such a fact and opinion can only be explained by the extraordinary circumstances of the Company, which did not allow the social law to be literally put into execution in its meetings and preparatory conferences. Let it be observed, that one of Mr. Lindsay's complaints is, that the shareholder, Francisco Antonio Flores had, in the previous meetings, called himself his representative, and also of Pinto, Peres, & Co.

2d Assertion. That Mr. Lindsay represented those colleagues of his who were interested, but not in the legal manner laid down in the 27th Article of the Statutes. Here he acknowledges that he presented himself and was received, that he discussed, and voted as an attorney, without the proper power, as a representative without any order thereto; in opposition to the express rule of the 27th Article above quoted, let it be observed, that Mr. Lindsay complains that Flores had entered and had been accepted as his attorney and representative at the previous meetings, without possessing or exhibiting any power of attorney.

3d Assertion. That in consequence of Mr. Lindsay's presence, and of the shareholders whom he represented, it can well be said that all interested in the Company were present; and therefore, that the meetings of the 15th and 21st of December had not been so very illegal as the previous ones. Here Mr. Lindsay acknowledges himself to be an accomplice in the illegalities, which were, up to this period, the grounds for his claim. Here Mr. Lindsay maintains, that under the exceptional circumstances of the Company, the absence of shareholders might be diminished, if not compensated, by the concurrence of all, or of part, of those interested in the preparatory decisions of the same Company. And such being the case, Mr. Lindsay cannot, with good logic, refuse to accept the argument which I drew above, that in the meetings of 1858 more than one-fourth of the social capital was represented, which is the minimum required by the 26th Article, under the ordinary circumstances of the society.

From this analysis it may be concluded, that Mr. Lindsay cannot accuse others of facts similar to those he committed, and that others acted as he did himself, when all were impelled by the same forced necessity, of there not being at the time the legal number of shareholders, and guided by the same powerful motives of not allowing so promising an undertaking to die away at its very birth.

Like those of 1858, Mr. Lindsay now also charges the meetings of the 19th of September, and of the 24th of December 1859, of the 2d of April 1860, and of the 1st of June 1861, with being vitiated and illegal. Of these Mr. Lindsay was only present in person at the one of the 24th of December. At the others he was not. At the first five of 1858 he

was represented by Francisco Antonio Flores; and at the others of 1859, 1860, and 1861, by Edmund Ellicott. Mr. Lindsay asserts, that none of them had a power of attorney to represent him in the general assemblies of the Company, because Francisco Antonio Flores had only got a power of attorney for the purpose of, in the name of William Schaw Lindsay, signing the constitution, or instrument, for the formation of the Unias Mercantil Steamship Navigation Company, and to do and execute anything whatever which might, or could either be demanded, or necessary, with reference to the formation of the said Company. These are the very words of the power of attorney mentioned in the public deed of the 10th of May 1858, which contains the statutes of the same Company. And with respect to Mr. Edmund Ellicott, Mr. Lindsay says that he had authorised him, by a letter, to represent him, and to look after his interests, but only and strictly with the directors, and before the same, and not in any general assembly.

This important statement by Mr. Lindsay, leads us to examine what was the character, and how the meetings above-mentioned ought to be considered.

In the registered records from Nos. 1 to 9 inclusively, these meetings are called extraordinary sittings; and it is, from the records of No. 10 forward, that is to say, from the 2d of April 1860, that they are called sittings of the extraordinary general assembly.

Our inquiry shall be into each of these periods separately, and the very texts of Mr. Lindsay's memorial will tell us what those meetings were, in the opinion of all interested therein. He says:

"To this meeting (the one of the 7th of July 1858) the character of a general assembly was not given, and no president, vice-president, and secretary were elected; and indeed such a meeting could not in any way have the character of a general assembly, because no previous convocation had taken place, it could not become constituted with that number of shareholders, and the same attorney could not represent two shareholders.

"It was the same case with the subsequent extraordinary sittings.

"And indeed those so called extraordinary sittings were nothing beyond meetings of the directors, to which the directors thought proper to give that name. Because the first petitioner (William Schaw Lindsay) took part in some of those extraordinary sittings, without his considering them to mean meetings of the general assembly, a title which was not given to them; and supposing that they were nothing beyond meetings of the directors, in which those interested took part, being invited by the directors for that purpose."

Behold here, from the unsuspecting testimony and authoritative opinion of Mr. Lindsay what those meetings were, and what they were not. Neither the character, nor the title of general assembly, was given to them. They were meetings; they did not go beyond meetings of the directors, wherein those interested and invited by them took part.

He further says:

"... that the manager, Candido de Freitas Abreu, writing to the first petitioner (William Schaw Lindsay) under date of the 17th of March 1860, and informing him that the directors had determined to call together a general assembly of the shareholders, on the 28th day of May of the same year, and instructing him to cause the advertisement which he forwarded to him, to be published in the 'Times,' and in a few other English journals, he added that he had been instructed to make that communication to the first petitioner, in order that he and the other interested parties who lived in England might have time to send out, if they wished, the necessary powers of attorney to be represented in the said assembly, adding that a letter of authorisation was sufficient."

In this period Mr. Lindsay gives another unobjectionable testimony, that like himself the directors did not consider the meetings to which we are referring to be general assemblies; inasmuch as for none of these did they address Mr. Lindsay, in the manner and in the terms they did, for the intended general assembly of the 28th of May. Other corollaries are to be inferred still, and these are:—1st. That the directors were acquainted with the powers of Flores and Ellicott, and knew that they were not sufficient to represent Mr. Lindsay in a general assembly. 2d. That they would not admit them in the general assembly, as they had received them in the extraordinary meetings, without special powers for that act, which, in my opinion, shows that there was no fixed purpose of passing over and defrauding the interests of the English shareholders, and that every one acted at all times with full knowledge of the case, and in the best good faith.

In my opinion also those meetings were not the ordinary, or extraordinary, sittings of a general assembly, according to the regulations of the statutes. They were conferences between the directors and the shareholders resident in Lisbon, and those absent that could be represented there, for the purpose of treating upon the formation and organisation of the Company. Such conferences were indispensable, not only to overcome the difficulties which were occurring, but also to combine as to the means of getting shareholders, realising the capital originally stipulated, of increasing it if necessary, and, in fine, to take all the decisions required by the engagements which the founders of the Company made in the contracts entered into with the Government on the 5th of May, and 31st of August 1858.

And the founders of the company were so well aware of the embarrassments which they were to meet with in organising the society, that having agreed in the 15th Article of the Statutes to the annual election of the directors, the mandatories of the shareholders, in the second paragraph of the same article they decided that the first direction should last three years; and in the transitory article they appointed to form the same Edward Medicott, Fortunato Chamiço, junior, Jozé Antonio Pereira Serzedello, Francis Antonio Flores,

and

and Joaquim Henriques Fradesso da Silveira; and to be the manager, Candido de Freitas Abreu. They did more: in the 39th Article they agreed that the first ordinary general assembly should be convoked by the direction in the month of February following that in which the Company shall have completed one year of its existence. This article is interpreted by Mr. Lindsay in his memorial in the following manner:—

“The directors could not, therefore, avoid convoking an ordinary general assembly for February 1861, without violating such an express rule of the statutes.”

What is to be inferred and concluded from these exceptional measures? That the founders had foreseen the obstacles which the undertaking might meet with in the first period of its establishment, that they made choice of their most skilful pilots to carry it without shipwreck into a port of safety, that they invested those elected with discretionary powers for so long and difficult a voyage.

In truth, the articles of the statutes above quoted cannot have any other meaning. It was a dictatorship, which the founders instituted by their unquestionable right. The directors, in virtue of this lawful mandate, joined to their functions the powers of a general assembly, for the most praiseworthy and prudent purpose of concentrating in the direction which had been appointed all the faculties and rights of the Company, and forming a strong administration, and, in their opinion, an intelligent and zealous one, to carry the organization of the Company to the desired end, complying immediately with the engagements it had entered into with the Government. Therefore, the decisions of the directors, as long as these extraordinary powers lasted, that is, till February 1861, were the decisions of the Company, as lawful for the Government and as binding on the shareholders as if the general assembly had decreed them.

The shareholders went to and had a vote in the meetings of 1858, 1859, and 1860, with the full knowledge that they were going to assist the directors to give moral force to their decisions, and to help them in the work of the foundation of the Company, and did not think, nor did Mr. Lindsay think, that they were the sittings of a general assembly. Now, for the purpose of representing Mr. Lindsay at these preparatory conferences, Francisco Antonio Flores had, in his power of attorney, and Edmund Ellicott subsequently had, in the above-mentioned letter of authorization, full and most sufficient powers.

So that it is Mr. Lindsay himself who, in the statutes which he drew up and in the memorial addressed to the Government, legalises those meetings and the mandate given to his representatives. It was he himself who agreed to the suspension of the articles of the statutes as to the manner of convoking and constituting the general assembly till February 1861; it is he who replies by his own acts and confession to the incoherent charge of arbitrariness, abuse, and illegality against the directors whom he himself appointed, to whom he granted exceptional and extraordinary powers for the space of three years, and with whom he made all his agreements and entered into all his contracts.

It thus remains clearly proved what was the character of those meetings in the judgment of the founders of the Company and in the opinion of Mr. Lindsay himself; what ought to be the opinion of the Government with respect to the same, in accordance with the acts of the founders themselves, and of the statutes which they drew up; and that consequently the defects, vitiation, violations, and arbitrary proceedings brought forward by Mr. Lindsay in his memorial are not proved.

Let us proceed to the second ground.

“Illegality of the acts which the directors submitted to the sanction of the Government, without showing that they were based on a decision of the general assembly, which was solely and exclusively competent to carry them on, as might easily be seen by examining the documents, and might be known from the information of the respective functionaries.”

The only reason for the illegality of these acts is the illegality of the meetings in which they were decided. But this reason is untenable on account of the observations which I made in my inquiry into the first ground. Nevertheless, it is useful to examine what acts were approved by the Government.

The decree of the 23d of March 1859 sanctioned the increase of the Company's capital from 450,000,000 reis to 900,000,000 reis.

The decree of the 28th of September 1859 sanctioned the issuing by the Company of bonds or debentures to bearer, with a fixed interest and with a certain rate for redemption.

The decree of the 23d May 1860 approved of the modification of the 26th, 29th, and 31st Articles of the statutes.

In the period from 1858 to 1860, that is at the time when the directors were in joint possession of all the social powers, in virtue of the express and lawful delegation of the founders, no other act was submitted to the sanction of the Government.

The decision to increase the capital of the Company was adopted in the sitting of the 15th of December 1858, Mr. Lindsay being present and voting in the affirmative, as in the records it is said that there was unanimity in all the resolutions taken in that conference. With respect to this increase, Mr. Lindsay expresses himself in the following terms:—

“From the illegality with which the increase of the capital of the Company might be voted no damage could accrue, nor did it indeed accrue either to the Company or to the shareholders, inasmuch as the issuing of the corresponding shares to this increase never took place. . . . And even should the issuing of the shares for the increase of the capital take place, this would be a favourable event both for the Company and for the shareholders, because it would be a sign that the Company showed itself to be in a prosperous condition.”

Consequently, the Government sanctioned an act having in its favour the authoritative vote of Mr. Lindsay, an innocent act which did not injure any one, and an act which might be the cause of great prosperity to the Company.

Let it be remarked that this act was decided in one of the sittings charged by Mr. Lindsay with being illegal, but not to such an extent as the others, because he was present, and represented, without a power of attorney, his London colleagues. Whence it is shown that Mr. Lindsay concurred in and was accessory to the illegal decision, in his opinion, to increase the social fund; a most important decision, since in anonymous societies capital is everything, and persons are nothing.

In the decree above quoted of the 23d of March 1859 sanction was also given, in order that the direction, composed of Medlicott, Chamico, junior, Serzedello, Flores, Fradesso da Silveira, Manuel Jozé Ribeiro, and Henry Roberts, should continue to manage the affairs of the Company till January 1863. This authorization was granted at the request of the directors, and the directors were authorised to make this request in virtue of the decision taken in the sitting of the 21st of December 1858, at which William Schaw Lindsay presided.

It is proper to transcribe here two periods from Mr. Lindsay's memorial. These are:—

“In the sitting of the 4th of August (alias the 18th of September 1858, *see* Record No. 4) it was decided that Manuel Jozé Ribeiro, who had *de facto* been taking a part in the working of the direction, should be invited to become an effective director, having all the emoluments as such.

“And thus in the sitting already quoted of the 4th of August 1858 (alias of the 18th of September), they had already associated unto themselves a director, in contravention of the rule of the transitory article of the statutes, which established a direction composed only of five members, and in opposition to the rule of the 45th Article of the same statutes, which confers the power of electing the members of the direction upon the general assembly.”

And what did Mr. Lindsay, the author of those charges, do in the sitting of the 21st of December 1858, at which he presided, and having a vote in his own right and in that of his colleagues?

He confirmed and approved the election which the directors had made of Henry Roberts to be an effective director; he therefore gave this vote of confirmation and approval in opposition to the rule of the 45th Article, and of the transitory article of the statutes.

He resolved that the individuals, whom I mentioned above, amongst whom is to be found the name of Manuel Jozé Ribeiro, should continue to be directors till the 1st of January 1863; he did, therefore, by this vote and decision, ratify and confirm the act of this shareholder having joined the directors, an act which he charges as illegal and abusive in the periods quoted above.

The decision to issue bonds or debentures was taken at the meeting of the 19th of September 1859 (Record, No. 8). Mr. Lindsay was not present, and in the record it is stated that he was represented by Edmund Ellicott. The next conference or meeting took place on the 24th of December of the same year. Mr. Lindsay was present, and he says in his memorial that at this meeting “no reference was made to the previous decision,” that is, to the decision to issue debentures. And, in truth, it is not stated in the record that the previous one was read and approved; but if Mr. Lindsay wishes to draw an argument from this omission, in order to maintain that he neither decided nor confirmed the act approved by the Government in the decree above quoted of the 28th of September 1859, this plea will not avail him on account of what I am going to say.

On the 28th of December 1859, Mr. Lindsay made an agreement with the Company, União Mercantil, to receive instead of the bills, representing one-half of the price of the steamers which he had sold, 161 debentures, amounting to 68,450,000 reis, or 16,100*l*. This agreement was ratified the same day by public instrument.

Mr. Lindsay was not, therefore, ignorant of the decision which had been adopted to issue debentures; he was not ignorant that this decision, from its very nature, stood in need of the sanction of the Government, and that it was really granted by the latter. Consequently, he considered them as legally issued bonds, and of such value, and so valid and safe, that he exchanged them for the bills which he had, and desisted from the special mortgage placed on the two steamers “Africa” and “Don Pedro,” in virtue of previous contracts.

Is not this the solemn and manifest confirmation on the part of Mr. Lindsay of the act which the Government sanctioned? It is. And one acting in this way has no right to attack the decision of the Company, and to accuse the sanction given by the Government.

The decision to propose to the Government the alterations to be made in the 26th, 29th, and 31st Articles of the statutes was adopted in the sitting of the 2d of April 1860. The record says that this was a meeting of the extraordinary general assembly. I am not aware whether all the formalities laid down in the statutes to give the sitting this name were complied with; and I know that the nature of an act is to be determined not by the description and name given to it by the interested parties, but rather by the whole of its clauses and results. And, in accordance with this principle, I shall examine the legality of that meeting.

In 1860 the Company had only 16 shareholders, an insufficient number to form a general assembly, not only, according to the terms of the 26th Article, requiring 30 shareholders,

holders, but also to those of the 31st Article, which required 20. Consequently, the Company was *de facto* in 1860 in the same circumstances and under the same impossibility as in 1858 and 1859, an impossibility which had been foreseen by the founders, who, in order to remedy the inconvenience of that state, and prevent the expiration of the undertaking in its very first years, had named the directors in the transitory article, had fixed for them in the second paragraph of the 15th Article a duration of three years, and had in the 39th Article appointed the month of February 1861 for the first ordinary general assembly to take place. These rules, which were stipulated as exceptions to the 15th Article, which enjoins the annual election of the directors, and to the 34th Article, enjoining the convocation of a general assembly every year, prove that the directors combined the attributes and powers of the general assemblies with their own powers and attributes; that they had been constituted into a dictatorship, as I said above; and, consequently, that during the whole of that time, the compliance with all the articles of the statutes regulating the mode of convoking and constituting the ordinary and extraordinary general assemblies was suspended. If such was not the sense and the effects of those exceptional causes, then there could be no grounds nor any possible justification for them; and, moreover, the founders who had agreed to this would not obtain their end, which was to establish and continue the navigation according to their engagements, and to do everything that was required and necessary for the definitive organization of the Company. According, therefore, to the just estimation of the law the sitting of the 2d of April 1860 has the same character, nature, and legality as the conferences of 1858 and 1859; and the decisions adopted both in the latter and in the former are equally valid with respect to the Government, and binding in the same manner on the shareholders. As I have already stated, the 26th Article required the presence of 30 shareholders, and that one-fourth of the social capital should be represented in order to constitute a general assembly; and the 31st Article only required 20 shareholders, whatever might be the amount of their shares, if at the first convocation the former number were not present.

Now, after the efforts and endeavours during two years of the founders in Portugal, and of Mr. Lindsay in England, in spite of the publication of the programme, composed by Mr. Lindsay, in the two countries and in Spain, the Company in 1860 had only 16 shareholders, one of whom could not vote in the general assembly, being the holder of five shares. The time for the meeting of the general assembly was approaching; this state might continue, and the social law could not possibly be complied with. Prudence, therefore, suggested that this risk should be prevented, because either the undertaking would have to cease, or the directors would have to prolong, by their own act, their discretionary powers, until the good condition of the Company should have peopled the society with the indispensable number of shareholders necessary for the exercise of its functions.

To convoke with the certainty that there was not a sufficient number, was mere childishness; to convoke in the hope or with the concealed design of the founders making up the number by means of the indorsement of a part of their shares, was either to practise a fraud or to sophisticate the spirit of the social compact. Besides, the indorsement ought to be, and could only be a spontaneous and free act; and neither was it imposed by law, nor had the Government the right to decree it. And the directors and the other founders showed very clearly that they did not wish to give up or to transfer their shares, inasmuch as they did not do so; and it was only by the entries in their books that they always calculated the legal number of shareholders. Moreover, by means of the indorsement, the part of the social capital which would be represented would be exactly the same; and if the assembly gained in the number of voters, it was a loser as far as regarded the sincerity and independence of the votes. But the number of votes would not even be increased, because the 29th Article allowed the shareholders one vote for every 10 shares, without any limitation.

Under these circumstances it was necessary to provide a remedy. The directors and shareholders resident in Lisbon understood it so, and Mr. Lindsay was of opinion that they ought to have acted in this manner, in the following period of his memorial.

"And when the meeting shall have been convoked for the first and second time, and at neither of them there shall have appeared the number of shareholders necessary to constitute a general assembly, it would then have become necessary to try and remedy this impossibility thus proved, of complying with the rule of the statutes, and settle the most convenient alteration of the same at a meeting of all those interested, and petition the Government to sanction them."

Hence it follows that Mr. Lindsay does not contest the right of the founders interested to settle the convenient alterations of the statutes, and to petition the Government to sanction them, without observing or complying with the social law. The only difference between this opinion and the fact which took place is, that Mr. Lindsay did not think the occasion chosen by the directors to be the proper one, and would have wished that two convocations should have been tried in order to prove the impossibility of complying with the statutes. The difference being reduced to a mere question of convenience, it does not seem to me that this circumstance can influence the validity of what was decided; inasmuch as the statutes and laws did not foresee and regulate, nor could they have foreseen and regulated the case. In order to form a judgment upon the necessity and opportunity of altering the social compact, the founders and interested parties had the same liberty and rights which they had and exercised when they, for the first time, came to an agreement. At all events, it was a domestic concern with which the Government ought not

to have interfered, by placing embarrassments on an undertaking with which it had entered into important contracts, and which stepped forward to say, "I cannot continue without this reform."

Mr. Lindsay also says that the alterations ought to have been voted at a meeting of all those interested. From the record, No. 10, it appears that out of the 16 existing shareholders, 11 were present, Mr. Lindsay being represented by Edmund Ellicott, who, as we have seen above, was fully authorized for this purpose. The four colleagues and partners of Mr. Lindsay, and a holder of five shares, were alone absent. Now, in these conferences, as well as in all the previous ones, there had been no rule with respect to numbers. The directors alone, by themselves, in virtue of the powers which they held, could decide and propose the alterations; and with much more reason could they do so with the votes and concurrence of the great majority of those interested in the Company. And even should this consideration not possess the force which it has, the Government had already, under the same conditions, sanctioned the increase of the social capital, which was decided with Mr. Lindsay's vote in the sitting of the 15th of December 1858, when all those interested were not present; and the increase of the capital was also a change in the statutes, much more serious and important than the one sanctioned in the decree of the 23d of May 1860.

The proposed alterations, which obtained the royal sanction, consisted: the 1st, in suppressing the number of 30 shareholders, whose presence was required by Article the 26th, and that the general Assembly should be considered to be formed if one-fourth of the primitive capital were represented; the 2d, in restraining to 120 only the unlimited number of votes which the 29th Article conferred upon the shareholders; the 3d, in fine, in allowing the formation of the general assembly, whatever might be the number of shares of the shareholders present, if those necessary to represent one-fourth of the capital had not appeared at the first meeting, thus suppressing the number of 20 shareholders, which in this hypothesis the 31st Article required.

These alterations were compiled into a public instrument on the 22d of May 1860, and they show that their object was to facilitate the meetings of the general assemblies, and to withdraw the Company from the extraordinary circumstances which compelled the founders to place it under abnormal conditions.

It appears from the records that there was a paragraph in the proposal conferring upon the shareholders who might have guaranteed with their signature and responsibility any loan made to the Company, as many votes as might be equal to the number of times the sum guaranteed could be divided by the sum of 900,000 reis. This paragraph was not, however, approved by the Government. The sureties and creditors of a company are entities apart from the society, and cannot interfere in its management. If Mr. Lindsay had read the instrument in question, he would not have unjustly and groundlessly charged the Government with having approved that paragraph.

The modifications made in the statutes were approved by the Government in 1860, in the same manner as they would have been in 1858, had the founders of the Company drawn up the 26th, 29th, and 31st Articles, as they subsequently did think, on taking counsel from experience, that they ought to draw them up. The new rules were no offence against morals, and were not contrary to law. No more did they diminish the guarantees of the associates, because the rights of the present and of the future associates to discuss and vote in the general assemblies, to elect and control their proxies, to receive dividends, and all the others laid down in the social compact for the mutual advantage of those interested, were equally secured. The fixing of a maximum of 120 votes, of which Mr. Lindsay so much complains, instead of being a motive to reject the reform, was rather the best principle laid down in the same, inasmuch as it tended to the equality of the voters, without injuring the just and reasonable preponderance of the large shareholders.

The reform, therefore, of the statutes, considered in its essence, was just; with respect to its effects, it was useful as it facilitated the regular functions of the Company; with respect to the reasons for the same, it was necessary on account of the small number of shareholders which there was; and, as to its origin, it was legal, because it was decided by the great majority of the founders assembled in a preparatory sitting or conference, and by the directors, who centred in themselves, as I have said above, all the powers of the society.

Mr. Lindsay has no right to contest the legality of the sitting of the 2d of April 1860, and the validity of the decisions taken thereat, because Edmund Ellicott, his lawful and acknowledged representative, was there and voted. Mr. Lindsay's protest does neither give him nor take any rights from him, and, if it did, it is against his mandatary. Besides it is not to be presumed that Mr. Lindsay was ignorant for two years of the alterations in the statutes.

The Government consequently approved what it considered to be worthy of approval, with the same right and for the same purpose as it had approved the different clauses of the primitive statutes. It sanctioned the reform as to the mode of forming the general assemblies, as it had previously sanctioned the reform which increased the social capital. It found in both a favourable vote on the part of Mr. Lindsay. Both arose from the same origin, and were proved and authenticated by the same documents. Both were decided and approved with the object of obtaining advantages for the Company, without detriment to the public.

From what has been said with respect to the different acts which were sanctioned by the Government, it may be seen that the second ground of Mr. Lindsay's claims is not proved,

proved, inasmuch as the facts are incorrect, its doctrines erroneous, and it is contrary to the exceptional rules to which he agreed in the statutes, and contradictory to the votes he gave, and to the acts and contracts which he practised, and into which he entered.

Let us proceed to the third ground:—

“Illegal application and distribution of the extraordinary bonus granted to the Company by the 10th condition of the contract of the 5th of May 1858; abuses, malversations, and infractions of the statutes perpetrated by the directors and manager, in not convoking the general assembly at the time laid down in the 39th Article; in not allowing the attorneys of the shareholders absent to examine the books of the Company; in approving the accounts and balance up to the 31st of March 1861; in illegally counting in the sittings of the 15th of April and 14th of May 1862, the votes corresponding to 355 shares inscribed in the Company’s name, as if they were the votes of shareholders present; in taking possession of salaries and bonuses which did not belong to them; in not distributing within the proper time the report and accounts which were to be discussed at those sittings; and, finally, in practising many other acts beyond their own powers and of the social law, and to the detriment of the shareholders.”

These facts, asserted in Mr. Lindsay’s memorial, stand in need of proof. In order to ascertain their accuracy, and likewise to acquire ample and full information with respect to the acts of the administration and management of the Company (*União Mercantil*) from its foundation to the present day, the Government appointed a committee of inquiry, by a Ministerial order of the 14th of January of this year. It is, therefore, indispensable to await the result of this administrative investigation, not only to ascertain the facts, but also to give them their due value, and to decide what may be just and legal, and as far as what is compatible with the faculties of the Government.

Mr. Lindsay also impugns the validity of the additional contract of the 5th of January 1861, sanctioned by the law of the 30th of March of the same year, and the loan of 450,000,000 reis, which was effected in virtue of the authorization given to the Government in the law of the 10th of September of the said year, 1861. As I shall have to refer to these contracts in another part of my opinion, I reserve until then my inquiry into the reasons set forth by Mr. Lindsay.

Let us, however, put it down as certain and settled—that all the facts alleged by Mr. Lindsay, that all his complaints and charges are proved; that the statutes were violated; that the affairs of the Company were recklessly and ignorantly managed; that the social capital was misspent; that it was unlawfully and criminally applied; that the directors falsified their powers, misused the faculties conferred upon them by the statutes, and injured their constituents.

Do these facts, if true, impose any responsibility upon the Government?

The inquiry and discussion on this point carry us into considerations of an exclusively legal order, with respect to the nature of anonymous societies and their relations with the Government.

The distinguished juriconsult, now irreparably lost to the glories of the Portuguese bar, who took upon himself the defence of Mr. Lindsay’s cause, forgot to prove some indispensable premises. In his long reasoning I do not find any national or foreign law, any principle of administrative law, either civil or commercial, which imposes upon the Government the obligation of paying the amount of the shares which William Schaw Lindsay and his colleagues subscribed. I regret still more the remarkable brevity with which lawyers, versed in letters and science, gave their opinion of the 20th of December 1862. I regret that they should have acted thus, as it may be inferred from those few words that the serious responsibility of the Government of Portugal, on account of the extravagances, the errors and blunders of commercial companies, or especially of those of the Company *União Mercantil*, or still more especially of those that are prejudicial to the interests of foreign shareholders, is a matter of current doctrine and a law so well known as to preclude the necessity of any quotation.

I respect the nobleness of character of those consummate jurists; but reason and justice have greater influence upon my mind than the authority of their votes.

The Company *União Mercantil* is an anonymous society, or a commercial company (Article 538th of the Commercial Code). The different commercial societies, whatever may be their peculiar nature, are all subject to the general principles laid down in the 527th Article, and in the following ones, till Article 537th of the code above quoted. Of these principles I shall transcribe the following:—

“It appertains to the essence of all commercial societies that each member shall give the society a part of its capital, either in goods, money, credit, or in work or industry (Article 527th).

“Every society ought to be established for the common interest of its members (Article 528th).

“When the society has once begun, the profits and losses are common to the members, in proportion to the shares with which they entered it, or in accordance with what may be settled in an express lawful agreement (Article 534th).

“All mercantile societies are to be ruled by the conventions between the parties and by the special laws of commerce. Civil law, properly so called, is only applicable in the case of the absence of the law and of the usages of commerce (Article 537th).”

From these principles we may conclude, 1stly, that the Company Uniaõ Mercantil was established for the common good of its members; 2dly, that the losses and profits of this society are common to all the members, in proportion to the shares with which they entered, and according to the terms of its statutes; 3dly, that as the statutes are the convention between the parties, it is by them that the rights and obligations of the members amongst themselves are to be regulated; and, 4thly, and finally, that the same Company, in addition to its statutes, ought to be regulated by the special laws of commerce; in the absence of these, by the usages of commerce; and, in the absence of both, by civil law, properly so called.

These are the sources of law on the question in point—social, compact, commercial laws, the usages of commerce, and civil law; such is naturally the order I shall follow in my inquiry into the responsibility brought forward against the Government.

The founders of the Company Uniaõ Mercantil agreed, in the public instrument of the 10th of May 1858, to the clauses, conditions, and organic rules of the society, which they formed amongst themselves, and with those who might afterwards take shares. The Government was no party to that contract, and no mention is made in the instrument of the same or of any one representing it. The rule of law, laid down in the 27th Law, section 4, *fl. de pactis*, says thus: “Animadvertendum est ne conventio in alia re facta aut cum alia persona in alia re aliave persona noceat;” consequently, as conventions have no effect except amongst the persons who entered into and agreed to the same, it is evident that the Government has neither acquired any rights nor contracted any obligations by the convention which the founders of the Company made amongst themselves; and as the Government on its part never invoked, nor could it invoke, the stipulations of that compact to have a share in the gains and advantages of the Company, so also in the same manner its shareholders cannot, in virtue of the articles of their social law, impose upon the Government the responsibility of making good to them the losses which they may have suffered.

And, moreover, such a responsibility is not laid down in any of the articles of the statutes. Availing themselves of the advantages of anonymous societies, the shareholders avoided the personal, individual (“solidario”), and indefinite responsibility of societies possessing a signature, and also the prohibition of interfering in the management of the social fund of societies *en commandite*. They agreed to divide amongst themselves all the gains and profits of the undertaking, however considerable they might be; and as to the losses, that they would only be answerable up to the amount of their shares. If Mr. Lindsay’s theory were exact, anonymous societies would be real “*leonine*” contracts—all the dividends for the shareholders, and all the losses for the State. If the statutes implicitly contained this condition, they would carry with themselves their own inefficacy, nullity, and death; and such a society would be reprobated by morality, by justice, and by the law.

And so clear is it that the social compact is not of this nature that the shareholders laid down the rules as to the mode of forming the capital of the Company, with respect to its administration and management, as to the control which appertained to all and to every one of them, and with respect to everything else that appeared to them to be conducive to the employment and useful application of their money. They are their own legislators, the executors of their own laws, responsible for their unskilfulness, exposed to losses, sharers in the profits, and exclusively bound by their contract and according to the terms of the same.

The Government does not appear there in any manner: it was not there then, it is not there now; neither in the Company Uniaõ Mercantil, nor in any other anonymous society; because there is not, because it would be iniquitous and absurd that there should be a special and particular jurisprudence for the nature and effects of the statutes of the Company Uniaõ Mercantil.

It is William Schaw Lindsay whom I do find in the compact and in the Company as a founder, and his colleagues as shareholders; consequently, from the stipulations of the statutes, and from their nature and effects, the obligation of paying the shareholders the capital of their shares, which they fear they may lose, or which they may have really lost, cannot be inferred against the Government.

Let us proceed to the commercial laws.

Anonymous societies are treated in our Commercial Code under the head of commercial companies, from Article 538th to the 546th inclusive. The law defines what a company is: it says how it ought to be formed; who can be its manager; what is the responsibility of the directors and what is that of the shareholders; how the social fund is divided into shares; the nature of the latter, and the mode of transmitting them. In these articles there is not one in which the responsibility of the Government is decreed, nor is there any principle from which it might be inferred. On the contrary, the 538th Article defines a company, a society of shareholders without a social firm; that is to say, that it is a contract by which several persons bind themselves without compromising their individual responsibility; and the 543d Article does not bind the shareholders for any losses beyond the amount of their shares. Therefore, in societies of this nature the only responsibility that there is, is that of the shareholders, limited and restrained to the amount of their entries, or to the sum total of their shares. If that of the Government were to be found there, it would be an element both strange and contrary to the nature of the society, in opposition to the general principles which I have transcribed above, and still more to what is laid down in the 532d Article of the Code. This 532d Article declares the nullity of the convention

convention by which one of the partners should enjoy the whole of the profits, and likewise any stipulation or clause which should exempt from all share in the losses the sums or effects with which one or more partners should have contributed towards the fund of the society or association.

This principle, most unquestionably just, and sanctioned by commercial law, condemns Mr. Lindsay's claim irrefragably, who, being a member, wishes to save from the losses he apprehends the sums and effects which constitute his entries to the social fund. Now, if such a claim cannot be stipulated under pain of nullity, much less can it be invoked when it has not been stipulated. If this clause, whether express, tacit, or understood, has no force or value against the other members who have all entered into the same contract and are bound by it, and responsible for the same, with much less reason can it be of any force or value against a third person, who is the Government in this case, which did not enter into the contract, is not bound by it, and is not responsible for the same.

But the 546th Article of the Commercial Code makes the establishment of Companies, and the approval of their institution, dependent upon the special authorisation of the Government. It is in virtue of this law that the statutes of all anonymous societies are submitted to the Government to approve, modify, or reject them.

What rights does the Government acquire, and what obligations does it contract by this act? In other words, what is the nature and what are the effects of a decree approving the statutes of an anonymous society?

In societies with a firm, in those with capital and industry, in a tacit society, in a society with account shares, and in societies *en commandite*, either all or some of the members are solely and individually responsible. Such is what is laid down with regard to this point in the 549th, 558th, 570th, 576th, and 582d Articles of the Commercial Code.

In anonymous societies the shareholders are not responsible for any losses beyond the amount of their shares, and their mandataries, the managers, are not answerable for the execution of the charge which they have received and accepted, and do not contract any obligation, either personal or individual, with respect to the conventions of the Company, as is set forth in the 542d and 543d Articles.

So that in anonymous societies, neither the shareholders nor their mandataries contract any personal and individual responsibility towards any third person. The shareholders are individually bound in the sums which they subscribed, and no further. The Company is responsible to the extent of its capital, and no further. For this reason, anonymous societies are not known or distinguished by the name of any of their members, but in general by the end of the undertaking. For this reason their mandataries are temporary and dismissable; they can be shareholders or strangers, receiving a salary or serving gratuitously.

The persons of the shareholders disappear, there remains the moral person of the Company. Any third person does not care to know the solvency and credit of the members, but rather the capital of the society, because the only guarantee for those who negotiate with it is placed in its capital. In the event of bankruptcy or forced dissolution, it may happen that the shareholders have received the amount of their shares in the previous dividends, and that the real capital in existence produces only 20 or 30 per cent. of the liabilities; it may happen that the capital which has been realised may be far below the amount of the debts contracted on account of the commercial operations of the Company; and on liquidation the creditors lose everything in excess of the social fund, and the shareholders, although very wealthy, do not pay more than their shares.

Hence it comes that our Commercial Code, when defining the different kinds of societies, in its Articles 547, 557, 571, 577, and 580, always makes use of these words: "A contract of two or more persons, a society of merchants;" and in the 538th Article it says: "A society of shareholders," calling them not after their names or professions, but by the fact of contributing towards the formation of the capital, and of holding a title which represents a certain share in the same capital. In other societies the will of one partner (Article 693), bad behaviour (Article 696), bankruptcy (Article 698), death (Article 699), madness (Article 701), are legal causes for dissolution, but not in anonymous societies. Shares, according to their nature, are transferable either by the mere delivery of the title, by their inscription or register in the books of the Company, or by any other lawful means of transmitting property; and in this manner the shareholders change and vary daily, without this fact having any influence upon the legal existence of the anonymous society, because it is not a society of persons but of shareholders, as the law says—a society of capital, as the commentators call it.

These are the essential elements which characterise anonymous societies and distinguish them from all other civil persons. Owing to their special nature, our Code requires that they should be formed by means of a public deed (Article 539), and that the context of that deed should be transcribed at full length, and not an extract, in the Commercial Public Register (Article 540).

It is also for the same reason that our own laws, those of France, of Belgium, and of other countries, make the establishment and the statutes of companies dependent upon the authorisation and special approval of the Government.

Other commercial societies are not in need of this authorisation. In the same manner societies *en commandite*, the capital of which is formed and divided into shares, as in those which are anonymous, and whose shareholders are not responsible beyond the amount of their entrance shares, as the Commercial Code expresses itself in the 580th Article, are not subject to the approval of the Government; and the sole reason is, because they have managers individually responsible, and because, consequently, their social contract has on

one hand a part of the nature of anonymous societies, and, on the other, in relation to the public, the nature of societies with a firm. It is, therefore, the want of responsibility and of the individuality of the shareholders and managers of companies which justifies the interference of the Government in their foundation, and which gives the public authorities a right to examine and to ascertain beforehand the basis of their organization.

But as individual responsibility is not a guarantee for the members of a society, but rather for those individuals who may have business with the society, it is clear that the Government interferes solely and exclusively in the interest of the public, in order to give it that moral security which in the case of other societies it obtains from its knowledge of the responsible firm and from the credit of the same.

Anonymous societies, however, are usually founded by a few individuals; and, during their existence and development, a part of the public takes interest in it by taking shares, and the other part keeps aloof, limiting itself to treating with the undertaking in its branch of business or industry. Hence it comes that the previous examination, to which the law subjects the institution of a Company, has merely and simply for its object—1st. To assure the public in general that the Company does not conceal any artfully got up plan, without any lawful and real purpose, without a proportionate capital, and guaranteed by the shares of the members that it is no fraud, that it is not an imaginary commercial speculation. 2dly. To assure future members that the statutes guarantee unto them the right of having a proportionate share in the profits, of having a vote in the operations of the Company, of regulating and watching the employment of the social capital, of controlling the acts of the administration, of electing their own mandataries, and, in fine, of exercising all the faculties which are derived from their capacity as shareholders, in accordance with the law, with the lawful stipulations of the social compact, and with the interest which they may have in the society.

Such are the reasons, such the purpose and end of the previous examination which the law renders incumbent on the Government. In these reasons, purpose and end, are comprised the rights and obligations of the public authorities with respect to the establishment and institution of anonymous societies.

After this examination has been made, and after the legal sanction has been given, the anonymous society remains a legal personage, in the full enjoyment of its rights, independent and free in its own sphere, like all other social beings. It enters into civil society in its own individuality, and the State has only the same duties to comply with towards it as towards all other civil persons, that is, the duty of guaranteeing in its favour, by the general means of law, its legal independence and freedom, in order that it may advance and develop itself by the force and by the laws which apply to it.

Consequently anonymous societies, as far as regards their foundation and organization, stand in need of the sanction of the Government; but, with respect to the exercising of their business or industry, to the domestic acts of their administration and management, to the manner of promoting their own interests by the employment of their capital, they are not governed by any special power, and are not bound by any peculiar law.

It is by these general principles of law that the 546th Article of the Commercial Code has always been understood and put into execution in our own country, and has also been understood and put into execution in those countries where a similar legislation exists.

According to the terms of this article, the Government authorises the establishment of companies, and sanctions their institution: nothing more. To go further, to intermeddle in their interior administration, would be to exceed the limits which the law laid down, by a manifest abuse of authority, and to the evident risk of the interests of the State.

By combining the 546th Article with the Articles 537, 539, and 540 of the above-quoted Code, it may be seen, that every mercantile society ought to be regulated by the agreement of the parties; that this agreement, in anonymous societies, ought to be made by a public deed, transcribed, *in extenso*, in the Commercial Public Register.

Hence it follows that the existence of anonymous societies depends upon two distinct acts—1st, the social compact which forms them; 2d, the act of the Government which sanctions them.

The first is an act merely civil; it is a private contract, subject to the same principles of law, to the same legal rules, which prescribe the internal and external formalities of contracts, which regulate their validity or nullity, and limit the extent of their effects.

The second is an act of the executive power, exercised by the delegation of the legislator; it is an act of the discretionary power of administration, as Dalloz says; an act of administrative guardianship, as Chauveau calls it. And it is a current doctrine that acts of this nature have neither influence upon the essence of conventions, nor can they repair any essential or formal defects by which they may be vitiated.

Consequently the Government's sanction does not take the nature of a private contract from the statutes of anonymous societies. If any of the members shall have just grounds to annul the convention which was made, either through error, violence, fraud, wrong, or through the absence of consent, or of any other lawful reason, he may do so, and obtain it, without the decree of the Government which approved that convention being any obstacle to him. In the same manner, and in spite of the act of the Government, any third party, whose rights may have been offended by the formation of an anonymous society, may contest the validity of the statutes. For instance, if the majority of the members of a civil society were to come to a decision of forming themselves into an anonymous society, though the latter may have been authorised and sanctioned by the Government, the dissenting members may contest the validity thereof, and obtain its repeal. So Alphonse Demeur relates in his work, *Les Sociétés Anonymes de Belgique en 1857*, that it was judged in the Belgian Courts.

Dalloz,

Dalloz, founding himself upon the nature of conventions and private contracts, which statutes always continue to possess, maintains ("Répertoire de Législation," under the word "société," No. 1,474; Demeur, above quoted, Nos. 35, 43, and 151; and Chauveau, "Compétence Administ.," in his note to No. 413, sec. 11) that the ordinary courts are alone competent to judge the question as to the validity and effects of the same statutes. They quote, in support of their opinion, that of other distinguished jurists, the decisions and judgments of the respective courts, and the opinion of the lawyers "à la Cour Royale de Paris," who, in a conference, decided that the judicial power, in adjudging the nullity of the foundation of an anonymous society, and in judging the questions arising from its statutes, did not offend the independence of the executive power, and did not slight the administrative act of approval.

In order to conclude the analysis of the nature, character, and effects of the decrees authorising and sanctioning the statutes of an anonymous society, I shall say, with the authors above mentioned, that it is an act of gratuitous administration and not of judicial administration. If the Government did not wish to authorise the establishment of a company, or if it required or imposed modifications in the statutes, the founders are obliged to submit to any of these decisions, or to abandon the idea of the undertaking which they proposed to found. No law, no principle offers them any appeal against the decision of the Government, which, in the name of the public good, has the sovereign right of fixing the conditions under which an anonymous society can be constituted; and in the use of this unquestionable right, though it may wound the interests of the founders and of the members, it does not offend any rights already acquired.

It appears to me, therefore, that I have proved that the Government, on account of the authorisation and sanction which it grants in virtue of a general law, does not acquire the right of interfering and having a vote in the direction of the affairs of the companies, and in their management and administration; that the contract of the society, made and entered into by those interested according to the rules of commercial law, and under the empire of the general laws of the kingdom, is not binding on the Government, and that, consequently, the Government is not answerable either for the success of the undertaking, for the misfortunes which may injure it, for the unskilfulness, negligence, or temerity of its operations, or for the abuses, errors, or crimes of its directors.

Will your Excellency allow me to transcribe in this place the words of the Minister of the Interior in France, in his instructions of the 22d October 1817, as to the nature of the Government authorisation, its effects, and on the process to obtain it?—"Les précautions legales une fois accomplies, c'est au public à mesurer sa confiance envers des établissements dont le but, les moyens et les règles fondamentales ont été appréciés et portés à la connaissance du public."

In harmony with the principles which I have mentioned, and in the execution of the laws above quoted, the Government proceeded in regard of the Company Union Mercantile in the same manner that it has proceeded with respect to all anonymous societies. It examined the statutes, and found that they did not contain any stipulation contrary to law or injurious to the rights of its members; that the Company intended to establish lines of steam-navigation to Africa and to the Azores; that these lines were useful to the country, and might be remunerative to the undertaking, and that the founders were persons both trustworthy and of credit. The result of this examination was that the statutes were approved, that the Company obtained the qualification of a legal entity, and that it commenced its operations. The public came into the knowledge of what was the end, the means, and the fundamental rules of that society. From that point forward it was the business of the public to regulate and moderate the confidence which it ought to have in the Company, and how far, in what manner, and under what risks it could carry on business with it.

Mr. Lindsay says, in his memorial, "That having been informed of the basis for the establishment of the Company, and as it appeared to him that by them the undertaking would be in possession of all the proper elements for its continuance and prosperity, provided there should be an economical and well-managed administration, he did not hesitate to become one of the founders, and one of the largest shareholders."

Now one of the bases, and doubtless the most important one, was the capital with which the Company was founded; even at the present day there are many who think that it was a mistake on the part of the founders to fix the sum of 450,000,000 reis only. Nevertheless, Mr. Lindsay did not think in the same manner, and was convinced that that sum was sufficient, and in proportion to the operations which the Company was about to commence. In Mr. Lindsay's opinion, the continuation and prosperity of the Company depended upon an economical and well-managed administration. It was naturally with this view that he and all the founders, in the transitory article of the statutes, elected and appointed amongst themselves the members who were to be directors; they agreed, in the 15th article, section 2, that the first direction which was appointed should last three years; and they invested it with all social powers, suspending the meetings of the general assembly until February 1861.

With the same right, for the same purpose and effects, and for the same reasons, did the Government sanction the modifications in the statutes which were submitted to it in the course of time—namely, the raising of the capital to 900,000,000 reis, the duration of the first direction till January of the present year, the issuing of debentures or bonds, and the alterations in the conditions for the forming of the general assemblies.

Both the original statutes as well as the subsequent alterations had, and still have, the character and nature of private contracts, which the Government publicly ratified. Mr.

Lindsay was a party to these contracts, personally in some, and in others through the intervention of his representatives and mandatories. The stipulations of these contracts were some of them decided by the vote, and, with the previous assent of Mr. Lindsay and others, were ratified by his subsequent proceedings. If the contracts, however, are so vitiated as to be rendered null, either with respect to all interested or with respect to Mr. Lindsay only, the act of the Government approving and ratifying the same did not amend those defects, and did not deprive anybody of the right of claiming, in the ordinary courts and by the legal means, the annulling of conventions which may be considered null and injurious to any rights already acquired.

All the decrees published by the Government are, from their nature, acts of gratuitous administration, and the safeguard of the public interests; tending to acquaint the public with the end, object, and means of the Company *União Mercantil*, in order to give those who might wish to enter into business with it, or might wish to have some interest in the same, that moral security which they would have if the members, instead of the anonymous form which they chose, had adopted the firm of "*Lindsay, Abreu & Co.*," or any similar one.

The Government did not take part in the establishment of the Company *União Mercantil* either in deference to Mr. Lindsay, or in order to protect and save his capital from the risks of the undertaking. It interfered because Mr. Lindsay and the other founders did not wish to take upon themselves an individual and personal responsibility for the losses which might happen, and for the debts which the society might contract, and limited their responsibility to the amount of their shares.

If this form of society is adopted, the Portuguese law ordains that certain precautions should be taken in favour of the public. It was this the Government did.

The Government, therefore, by sanctioning the statutes and their modifications, did not become liable to the charge and responsibility of indemnifying the shareholders of the Company *União Mercantil*, or any third party, creditors of the same, for the losses which they might have suffered. And, as I have already shown that there is no article in the Commercial Code that imposes that obligation, it follows that, in virtue of the special laws of commerce, there are no grounds for Mr. Lindsay's claim.

Let us see whether our commercial usages, another source of law in this matter, will justify Mr. Lindsay's claim.

Our commercial usages, which have been constantly observed by all the shareholders of anonymous societies, are all in the sense opposed to Mr. Lindsay's claim. When one or more shareholders think that either the general assemblies or the directors have transgressed the respective statutes, they denounce that infraction to the Government, in order that it may inquire and withdraw the royal sanction, or take any other measures for which it may be competent and which may be just. In those countries which are governed by identical laws on this matter, and in which jurisprudence has been already settled by means of numerous decisions of the judicial power, the shareholders of an anonymous society, and persons in any way interested in the same, always have recourse to the ordinary courts, for them to judge their right to claim indemnity for damages caused by the illegal acts of the managers, or by the illegal decisions of the other members. This is attested and taught by the authors above quoted.

Consequently, commercial usages also do not authorise Mr. Lindsay to claim what he does. If any wrong was done him by the Direction of the Company, or by its members, let him claim compensation for it in the courts of justice.

Civil law, properly so called, which is applicable to mercantile societies in the absence of commercial law and usages, does not also impose upon the Government the responsibility which Mr. Lindsay wishes to render effective.

There is no contract or semi-contract, no crime or semi-crime, whence the obligation of indemnifying the English shareholders might result to the Government; neither did the Government contract such an obligation by any express convention and with its own consent; nor did it practise any lawful act not agreed to, or commit any inexcusable indiscretion which may give rise to that obligation.

The facts alleged by Mr. Lindsay for this purpose do not produce the right to which he appeals.

Let us see:

The Government entered into the following contracts with the Company *União Mercantil*:—

1st. Of navigation to the Azores and to Africa, on the 5th of May 1858, authorised by the law of the 26th of July 1856.

2d. Of navigation to the Algarve, on the 31st of August 1858, authorised by the law of the 1st of March of the same year. (This contract was rescinded by a decree of the 26th of August 1859.)

3d. Of navigation to the Algarve, on the 12th of April 1860.

4th. The one of the 5th of January 1861, in addition to the previous ones, obliging the steamers of the Company *União Mercantil* to call at the port of Funchal; and, amongst other concessions, the Government guaranteeing to it the minimum of interest at 6 per cent. per annum on the capital produced by the payment of the shares which were issued. This contract was confirmed by the law of the 30th of March 1861.

5th. Finally, the one of the 24th of October 1861, for the loan of 450,000,000 reis, authorised

authorised by the law of the 10th of September of the same year, which raised the minimum of interest to 7 per cent.

In these contracts the Government is a creditor for the duties and services to which the Company engaged itself, and is a debtor for the concessions which it made to the said Company. From the nature and stipulations in these contracts, the Government would only incur the duty of indemnifying, if it failed to comply on its part with the obligations which it took upon itself. This non-compliance is neither alleged nor proved, therefore the damages which Mr. Lindsay asserts that he has suffered cannot be proved to be legally grounded upon the contracts above mentioned. It is really difficult to believe that it should be sincerely maintained that the Government has injured Mr. Lindsay by the guarantee of the interest and by the loan. By the guarantee it endeavoured to attract shareholders, and to contribute in this manner towards the prosperity of the undertaking. By the loan it drew the Company out of financial embarrassments, and prevented its failure and dissolution. Both these results must have been useful to Mr. Lindsay: that of an increase of shareholders would realise the capital of the Company, by which the members would have the sure means of continuing the undertaking advantageously and diminishing the probability of their losing their shares; that of preventing the failure and dissolution did directly obviate the loss of the whole or of part of their shares which Mr. Lindsay and his associates might have suffered on that occasion.

Mr. Lindsay says, in his memorial, that he went into the undertaking at the request of the Minister of Public Works at the time, and confiding in the promises of protection which were given him. This correspondence, altogether officious and private, does not appear from any public acts; there is no authentic public instrument, there is no contract, by which the Government engaged to interfere directly in the undertaking, or to guarantee the capital of the English shareholders by means of the money, the revenue, and the property of the State.

The request to carry out an undertaking which would be productive of so many benefits to the country was both natural and lawful. The request made to Mr. Lindsay bore witness to the great hopes placed in his assistance, credit, knowledge, and influence. The promise made and inspired by the prosperity of this country was a legacy which the successors of that Minister generously paid.

What would Mr. Lindsay say if the Government had killed the Company at its birth, and had not held out to it its protecting hand in the days of its troubles? He would have presented a claim for the contrary reason to the one he now alleges, but always basing his opinion upon the request and promises of the Minister.

And whom did the Government protect and assist? Was it the Lisbon shareholders and the persons here? No; it was that moral person, the Company, of which Mr. Lindsay was the founder and a shareholder.

This powerful assistance, according to Mr. Lindsay's language and to the jurisprudence of his lawyers, is called losses and damages.

But, the memorial continues, "It was the Government which, by authorising and sanctioning the acts, both illegal and null, of the Direction, has chiefly offended and injured the rights and lawful interests of the petitioners, and deprived them of all the guarantees which they might have in the religious observance of the law."

This is not exactly true.

The Government approved the statutes and the modifications therein. It did so in virtue of the right which I have already proved, and its act has the nature and effects which I have also proved; it sanctioned the decisions of the members, adopted in the preparatory conferences, with the legality which I have shown above. It did not sanction any act of the Directors properly so called, nor could it interfere without committing an unjustifiable abuse of authority in the domestic administration of a private society. It did not possess the right to do as much either by the contracts or by the laws; if it did, its authority might be disregarded with impunity, and its orders ought to have been disobeyed; the Directors were not the mandatories of the Government, but of Mr. Lindsay and of the other shareholders. And as the Government could not prohibit those acts, it is neither guilty of nor responsible for them: "*Culpa caret qui scit, sed prohibere non potest*," lib. 55, ff. de Reg. Jur.

The Government had appointed commissioners to the Company; one in virtue of the 20th condition of the contract of the 5th of May 1858, to control the execution of that same contract, and the other in virtue of the 3d condition of the contract of the 5th of January 1861, to control the doings, book-keeping, and operations of the Company, and the compliance with the respective contracts. The object of this control, as may be seen, was to watch over the due compliance of the contracts with the Government, and it was the second alone that was also charged with the inspection of the accounts and operations of the Company on account of the concession of the minimum of interest, in order that the Government might know when there was a dividend or when there was one under 7 per cent., for the due payment then of the guaranteed interest. Neither of the commissioners was appointed to control the acts of an anonymous society. When royal commissioners are charged with this duty, the Government imposes this clause upon the founders, which is inserted in the statutes. In those of the Company *União Mercantil* there is no article which treats of commissioners; but in spite of this, in the instructions given to the first commissioner, he was enjoined to use all vigilance with respect to the compliance with the statutes. What follows from this? It follows that the Government was closely watching the acts of the Company, not as an interested party therein, but as the protector and

defender of the public interests, in order that it might, when the latter should demand it, recall the royal sanction given to the statutes and force the Company to dissolution. This is the only right of the Government against anonymous societies, which by their acts, and by their infractions of the social compact, have placed themselves in a position to injure those interests which the law entrusted to the administrative guardianship of the public authorities. In the circular instructions of the 11th of July 1818, in answer to the 5th question, the French Minister expresses himself in these terms:—"Dans les sociétés anonymes auxquelles il aurait été attaché un commissaire du Gouvernement, sa mission est spécialement de faire connaître à l'autorité les contraventions aux statuts, *qu'il serait dans le cas d'apercevoir*;" whence it is known that in Portugal, as well as in France, the commissioners take no part in the acts and domestic operations of companies.

In all the decrees which authorise the establishment of companies, a clause is inserted to the effect that the royal sanction will be withdrawn should the statutes not be complied with, or should they be violated. This Act is of the same administrative nature as the decree itself which sanctioned it; it appertains to the acts of discretionary power in public administration, and the Government is the sole judge, the sovereign judge, as to the expediency and convenience of employing that extreme measure. It is the advice of all writers that a Government ought to be very prudent and parsimonious in the use of this right, since the unforeseen and precipitate dissolution of a company might seriously compromise some important interests.

But both in the above-quoted French circular of the 11th of July 1858, and in the treatises of jurists of great learning and of unquestionable authority, it is laid down and taught as a current doctrine that the Government act recalling the sanction allows full scope for any actions which private individuals may wish to bring before the courts of justice to obtain reparation for the damages caused by the violation of the statutes.

And, still further, it is to the ordinary courts of justice that the shareholders are to have recourse in order to be disengaged from the society, when their consent shall have been obtained by fraudulent means, when the statutes shall have been violated, and when the modifications made in the primitive compact shall have altered the conditions of their subscription and adherence.

This is a forced consequence from the distinction between the Government act and the statutes, and the capital principle in this matter, that the statutes always continue to possess the nature and character of a private contract, subject to the rules and precepts of common-law, and to the competency of the ordinary courts of justice. See Dalloz, "Répertoire de Legislation et Jurisprudence," on the word "*société*," No. 1472—1478.

The commissioners, therefore, which the Government appointed to the Company *União Mercantil* do not render it responsible for the infractions or non-compliance with the statutes; they are no proof that it wished to become acquainted with all the acts of the management and administration, for the purpose of regulating, directing, or prohibiting the same, being responsible for not having done so; they are no proof that it endeavoured to substitute the administrative control for that of the shareholders or of those interested, and that both of these ought to trust to the vigilance of the Government and neglect their own interests; they are no proof, in fine, that it wished to assume the supreme direction of the domestic affairs of the undertaking, to usurp unto itself the competency of the ordinary courts of justice in the execution of a private contract, and take the favourable issue of the operations of the Company upon itself, whilst it remained the surety and the principal payer of the entrance-money of the shareholders, and consequently of the credits of third parties. Shareholders are not lenders to a company, they are its members. They put in a part of their capital for the purpose of gaining as much in dividends as the undertaking may produce, and to lose only that part of the capital with which they entered it. The profits and losses are common to the members, and to them alone.

If Mr. Lindsay's claims had any grounds to rest upon, and if the doctrine of his lawyers were correct, it would follow that the contract of the 5th of May 1858, and all those into which the Government entered with the Company *União Mercantil*, would be legal impossibilities; since they would blend together in the Government the two contrary qualities of creditor and debtor, and they would be iniquitous in their very essence, punishing the undertaking for the faults which it might commit, having always its legal and conventional responsibility hanging over its head, whereas the Government was the responsible party; and it was, therefore, both its interest and duty to direct the affairs of the Company to the attainment of its greatest prosperity. The absurdity is palpable.

Mr. Lindsay lays great stress on the argument drawn from the existence of the commissioners, and from the instructions given to them by the Government, being ignorant as to what is the nature and the object of those entities; but Mr. Lindsay forgets that this argument is a two-edged weapon, and that if it wounded the Government it would wound still more Mr. Lindsay's reasoning through the heart, who declares in his memorial that he had authorised Edmund Ellicott to represent him, and to look after his interests with the directors. Now it is of the acts of the directors that Mr. Lindsay complains. I shall, therefore, use against him the very words of which he makes use against the Government:—

"Mr. Lindsay had therefore in his power, through his representative to the Company, the means of obtaining the knowledge of the legality or illegality of the acts of the directors, and more especially of those which were submitted by the latter to the approval of the Government.

"If the directors sought to deceive Mr. Lindsay, by assuming that they had the power to

to do that for which, by the laws of the Company, the general assembly of the shareholders was alone competent, Mr. Lindsay might avail himself of the law, in order not to admit or sanction any illegal acts which were not proved to have been grounded upon a decision of the assembly, which was solely and exclusively competent for the same.

"If the directors sought to deceive Mr. Lindsay, by pretending that the act which they submitted to the sanction of the Government was the result of a decision of a general assembly, in the information which Mr. Lindsay might require from his representative he would have an easy means of knowing that such a decision could not exist.

"So that, in any case, Mr. Lindsay could not be ignorant that the alteration and reform in the statutes was the exclusive work of the directors, without the general assembly having been heard at all.

"Notwithstanding this Mr. Lindsay, by his silence, and by the vote of his representative, did authorise and sanction those acts of the directors.

"It was Mr. Lindsay, therefore, who by his approval and sanction of the acts, both illegal and null, of the directors, did chiefly offend and injure his own rights and lawful interests, and deprived himself of all the guarantees which he might have in the religious observance of the law," and placed himself "under the obligation of enduring the losses which he brought upon himself; and if the directors can have any excuse, it is only to be found in the authorisations and votes given by Mr. Lindsay and the other members.

"Although Mr. Lindsay might think that he ought to allow the illegality of these acts to pass, and to sanction them, in spite of their being null and injurious to his rights, owing to considerations of personal expediency, either well or ill-grounded, and also in attention to the same, to lay aside the rules of the law of the Company in order to consent and authorise their being violated and disregarded.

"The State, an entity altogether apart from the Company, under the shade of the law by which it ought to be ruled and managed, and trusting in Mr. Lindsay and in the directors appointed by him, and the other founders, contracted with the Company the very important public service of the navigation to Africa, to the Azores, and to the Algarve, granting unto it bonuses and subventions, and made a considerable loan in its favour, cannot for those reasons be forced to be bound by these acts, both illegal and null, and to submit to suffer the losses arising from the same."

Consequently these corollaries, drawn from the administrative control, prove nothing against the Government; they are all conclusive against Mr. Lindsay. It is not the Government but he and his associates who are responsible; unfortunately for the public interests it is limited to the amount of their shares.

From the whole of my statements in this part of my opinion it follows:

1st. That, even if all Mr. Lindsay's complaints were proved, the Government is not responsible for the illegal, null, and abusive acts of the directors of the Company Uniaõ Mercantil. 2d. That if the Government ought to pay Mr. Lindsay's shares, it ought to pay those of all the shareholders, not only of this anonymous society, but also of all those which already exist, as well as of those that may be established for the future. 3d. That if it pays the shares of the shareholders, with greater reason ought it to pay the credits of any third party. 4th, and finally, That, according to this system, anonymous societies would not be private associations, but administrative institutions, managed and administrated in the name of the State and on its account and risk.

Thus it is evident that the legal theory of Mr. Lindsay's lawyers is contrary to justice, to law, to commercial law, to civil law, to administrative law, to political economy, and to the jurisprudence laid down in all courts of justice, taught and defended by all writers in those countries where, as in our own, anonymous societies are dependent upon the sanction of the Government.

Whence, therefore, does the responsibility which Mr. Lindsay wishes to impose upon the Government arise?

Can it be from his capacity as a foreign subject?

It cannot be so. The 20th condition of the contract of the 5th of May 1861 says thus:

"The undertaking is to be considered national for all intents, and in this capacity subject only to the laws of the kingdom and of the Portuguese authorities."

William Schaw Lindsay formed a part of the undertaking, and agreed to the respective deed.

In addition to this express clause, the Portuguese Commercial Code legislates with regard to foreigners as follows, in the 33d Article:

"Any foreigner performing any commercial acts within the Portuguese territory is to be subject by that very fact to the Portuguese courts of justice, and to the laws which rule those acts, their consequences and incidents."

Mr. Lindsay agreed to the public deed of the 10th of May 1858, which founded the commercial company called Uniaõ Mercantil; he therefore performed a commercial act in Portuguese territory, and by that very fact he became subject to the laws which rule, and to the courts of justice which pass judgment upon, those acts, their consequences and incidents.

Consequently not only on account of the clause in that contract, but of the commercial act which he performed in Portugal, Mr. Lindsay cannot allege any special right from his capacity as a foreign subject.

In addition to all this the Company still exists, it was not yet dissolved, it has not liquidated its accounts yet; and Mr. Lindsay does not prove, nor even was it possible for

him to prove, that he had lost, how much he had lost, and through whose fault he had lost. He grounds his opinion upon an apprehension; he fears that it will come to happen. And there is a great distance between apprehension and terror, and a real definite effective loss.

Let Mr. Lindsay wait for that misfortune to take place, and if it should come, let him have recourse to the Portuguese courts of justice in conformity to the Portuguese laws, in order that he may receive reparation from whomever is bound to afford it.

And should he wish to become free of the Company before that time, if he has a right to do so, let him have recourse to the Portuguese courts, and let him claim there the dissolution of his social bond.

The Government is a stranger to all these questions between Mr. Lindsay and his associates, arising from the compliance with the private contract into which they entered, and as to the validity and effects of the same. But if Mr. Lindsay insists upon making the Government responsible, let him convince it of that responsibility in the courts of justice, to which he has expressly subjected himself in accordance with the laws whose empire he has expressly accepted and acknowledged, and the Government will go and defend its rights there, and will comply with the judgment which may be pronounced.

In conclusion, it is my opinion that the Government sanctioned those acts of the Company Uniaõ Mercantil which, by the general law of the country, ought to have been submitted to its approval; that the Company, during the first years of its existence, was governed by the directors whom the founders appointed, and whom they invested with all powers, in virtue of the rule of the statutes which fixed the meeting of the general assembly for the month of February 1861; that all the acts sanctioned by the Government, being previous to this time, had been decided and proposed by those to whom it was lawful to decide and propose them; that some of these acts were decided in the presence and with Mr. Lindsay's affirmative vote, and that the others had the assent of those persons who were his representatives, and looked after his interests with the directors, and also his own subsequent acceptance; that the Government did not sanction, nor could it sanction or forbid, on account of the prohibition of the law, any acts of the internal management and administration of the Company, whether they were practised by the decision of the directors and manager, or by the wish of the general assembly; that, if those acts were a violation of the statutes, or were of such a nature as to threaten the public interests, the only right the Government has was to recall the royal sanction given to the statutes; that the Government is the sole judge as to the expediency, necessity, and convenience of making use of this right, because both the act which recalls as well as the one which grants the sanction are the acts of administrative guardianship of gratuitous administration; that the statutes of an anonymous society, although they are subject to the examination of the Government, and are dependent upon its sanction, still preserve the character and nature of a private contract, subject with regard to its validity, execution, and effects to the common law, and to the ordinary courts of justice; that the laws and Portuguese jurisprudence do not lay down any difference between the Uniaõ Mercantil and all other anonymous societies, nor do they give the foreign shareholders, who voluntarily subscribed to them, and form a part of the same, any more or less rights than those held and enjoyed by Portuguese subjects: in fine, that the Government is not responsible to William Schaw Lindsay for the amount of his shares, and the interest already due or to become due thereon, as he groundlessly and unjustly claims in the memorial which he addressed to the Government.

Such is my opinion, which I have given under the deep conviction that it is based upon justice and upon the laws.

As to the conduct which the Government ought to hold towards the Company Uniaõ Mercantil, I reserve what I have to say until the Committee of Inquiry shall have presented their report.

May God preserve your Excellency.

(signed) *Antonio Cardoso Avelino,*
The Assistant Attorney General to the Crown.

Office of the Assistant Attorney General to the
Crown in the Department of Public Works,
13th of February 1863.

To the Most Illustrious and Excellent Sir The Duke de Loulé,
President of the Council of Ministers, and Minister and
Secretary of State for the Affairs of Public Works, Commerce, and Industry.

Enclosure 4, in No. 27.

(Translation.)

Office of the Attorney General to the Crown,
20 February 1863.

Most Illustrious and Excellent Sir,

WHEN, two days ago, I was called upon to give my opinion in the respectable presence of your Excellency, and of the worthy and enlightened the Solicitor General to the Treasury, and the Assistant Attorney General to the Crown in the Department of Public Works, as to the merits of the enclosed memorial presented to his Majesty's Government

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in October of last year, by W. S. Lindsay and other British subjects, shareholders in the Company Uniao Mercantil, I immediately said, frankly and in a few words, what follows:—

“That in the memorial alluded to the aforesaid foreign shareholders, after giving a long account of the facts imputed to the direction of that Company, which were described by them as illegalities and arbitrary proceedings, and to which they ascribed the origin of the deplorable state of insolvency and forthcoming bankruptcy in which they imagined the same Company to be, concluded by petitioning the Government to deliver unto them the amount of the capital of their shares and of the corresponding interest already due and to become hereafter due, for being aware of these abusive facts, and having unduly authorised them.

“That I did not know whether the assertions of facts contained in the said memorial were true or not, but, even if they were so, such a claim, although supported by the powerful vote of five eminent lawyers of this capital, ought not, in my weak opinion, to be attended to, inasmuch as it was not grounded upon any express law, and still less upon any stipulation in the contract.

“Not upon any law, because there existed none that made the Government responsible to the different shareholders of any commercial company on account of the damages which might accrue to them from the ill luck of the undertaking or from the bad management of its directors, although no company of this kind can be legally constituted, in accordance with the 546th Article of the Commercial Code, without the previous special authorisation of the Government and the approval of the statutes by which it is to be ruled; because this essential formality, peculiar to commercial companies or anonymous societies, is intended to prevent, for the general interest of the public good, any from being established except under the necessary conditions of security, order, and morality; but that it could not be inferred from the same that the Government had the slightest obligation of making good to the individuals entering those duly authorised companies by means of the property of the State, any eventual losses that their undertaking might on any principle whatever have experienced, and to which they had so freely and spontaneously exposed themselves.

“Not upon any stipulation of the contract, because in the one entered into on the 5th of May 1858, between the Government and the founders of the Company Uniao Mercantil, no condition or stipulation is to be found expressed therein, in virtue of which any of its future shareholders, either natives or foreigners, could infer the right to compel the said Government to make reparation for the damages which their capital might have suffered owing to misfortune or to the bad administration of their partners and managers.

“That by the 21st condition of the aforesaid contract, the undertaking Uniao Mercantil ought to be considered as a national one into all intents, and, as such, subject only to the laws of the kingdom and to the Portuguese authorities; and therefore, that since the members of the direction of the said Company were solely responsible for the arbitrary proceedings and illegalities of which the petitioners complained (supposing them to be true), in virtue of the express rule of the 535th Article of the Commercial Code, it is against those directors; that the petitioners, although subjects of Her Britannic Majesty, ought to proceed through the proper judicial means.”

On seeing, therefore, these fundamental ideas of mine above mentioned set forth in the enclosed minutes of opinion, so copiously and accurately composed by the very worthy magistrate, the Assistant Attorney General to the Crown in the Department of Public Works, I do now more firmly and resolutely confirm them in writing, in reply to the despatch from that department of the 18th instant, feeling extremely honoured and proud at the so flattering uniformity of opinions in an affair of such importance.

May God preserve your Excellency.

(signed)

Joaquim Pereira Guimaraes,
The Attorney General to the Crown.

To the Most Illustrious and Excellent Sir,
The Minister and Secretary of State
for Public Works.

(6.)

(Translation.)

Office of the Solicitor General to the Treasury,
9 March 1863.

Most Illustrious and Excellent Sir,

In the enclosed memorial William Schaw Lindsay and other British subjects petition the Portuguese Government to pay them the full value of the shares which the petitioners hold in the Company Uniao Mercantil, together with the interest thereon, indemnifying them in this manner for the losses which are impending over them, owing to the non-compliance with the statutes of the Company, and to the alterations in the same, which were sanctioned by the Government. The opinion of the counsellor, the Assistant Attorney General to the Crown in the Department of Public Works, Commerce, and Industry, in opposition to the said memorial, is so soundly legal, so profound, and so well developed, that I fully agree with it, adopting all its conclusions and foundations.

The Government authorised the above-mentioned Company and sanctioned its statutes, because it was indispensable to do so, in conformity with the 546th Article of our Commercial Code, and of the principles of law which are generally admitted amongst all nations, but the reason for this necessity is known. As is stated by the commentators on the 37th Article of the French Commercial Code, which is the origin of our own Article 546 above quoted, its only object is to assure the public that the Company or anonymous society thus authorised is not a snare laid out for their credulity; that its purpose is lawful and real; that there is not a merely useless programme of it only, but that there also exist the deed of its contract, true and not fictitious shareholders, figuring merely for the purpose of attracting other real ones, and a fund which is a security for the undertaking; that the capital announced really exists, or, at least, that its entrance is sufficiently safe; that it is in proportion to the undertaking, and that the statutes which regulate its management offer its members a moral guarantee, or, at all events, the means of watching over and controlling, and also the exercising of those rights as to the employment of their money to which they are entitled. The only effect therefore produced by this authorisation and sanction is, in one word, the entity or legal individuality of the Company, but by no means the slightest responsibility for the Government. When once these legal formalities have been accomplished, after life has been, as it were, infused into this society, the Government neither is nor can be responsible for its management. Whoever enters into any contract with the same does so as if it was with any merchant whatever, with this difference only, that he knows all its means, and is aware that its responsibility is limited to the amount of its shares, and that he has the right of causing the authorisation and sanction of the Government to be recalled, should it depart from its ends or violate its statutes; and that its managers or directors, as it is expressly laid down in the 542d Article of our Commercial Code, are only answerable for the execution of the charge which they have received and accepted, and do not contract any obligations, individually or personally, with respect to the agreements of the Company. He ought therefore, before entering into it, or making any contract with the same, to see how far it deserves his confidence; afterwards there is no longer any remedy; he must necessarily suffer the whole of the consequences. The contrary would be absurd. This is the doctrine of all the French writers, and so reasonable and current that it does not certainly stand in need of any authorities; but Pardessus (*Cours de Droit Commercial*) and Paillet (*Manuel de Droit Français*, the 8th edition) are so clear, and comprise what other writers say so well, that I think it expedient to transcribe here a few of their paragraphs.

The former says, in the 4th volume (Part 4, title 2, chapter 3, No. 1,040), what follows, in these very words:

“Aucun changement aux bases et à l'objet de la société anonyme, ne peut, après l'approbation être apporté, sans une nouvelle autorisation obtenue dans les mêmes formes, à peine d'interdiction de la société.

“Les ordonnances du Roi étant toujours révocables à sa volonté, il est évident que l'approbation peut être retirée, et la société interdite.”

And he adds, in No. 1041:

“Les affaires de ces sociétés ou compagnies, sont administrées par des directeurs, ou commis, le plus souvent choisis parmi les associés, mais qui peuvent aussi être étrangers à l'entreprise. Aucun actionnaire n'a droit de s'immiscer dans les affaires sociales, même sous prétexte que les administrateurs seraient coupables de négligence ou de malversation, sauf à provoquer leur destitution conformément aux statuts, ou d'après les principes généraux du droit.”

Paillet says, in his note to the 37th Article of the French Commercial Code above quoted, No. 6, what follows, and in these very words:

“L'acte de l'autorité royale qui renferme autorisation et approbation n'a pour but que de certifier au public que cette vérification a été régulièrement faite; et cette vérification est la garantie mise à la place de celle qu'offrent les sociétés ordinaires, et dont la société anonyme n'est pas susceptible. Le Gouvernement ne concède donc rien; et en autorisant seulement, à raison de la nature de la société, ce qu'une société ordinaire, ou en commandite, ou un simple négociant pourrait faire sans autorisation. Mais la vérification scrupuleuse que cette autorisation suppose est une sûreté morale d'autant plus importante, que les associations anonymes sont particulièrement faites pour des spéculations vastes et exposées à quelques chances, spéculations qui n'auraient pas lieu sans l'admission de ce genre de société * * * * *

“Les précautions légales une fois accomplies, c'est au public à mesurer sa confiance envers des établissements dont le but, les moyens, et les règles fondamentales ont été appréciés, et portés à la connaissance du public. Si une entreprise échoue le code et l'accomplissement des formalités qu'il a prescrites mettent à l'abri les actionnaires de toutes pertes au-delà de leur mise, et les gerants de toute garantie personnelle, autre que celle qui correspond à leur qualité de purs mandataires.”

* * * * *

“Il résulte de ces principes, 1^{er}, que l'autorisation de Sa Majesté n'est point un privilège; qu'elle se donne à cause de la forme de la société anonyme, et non à raison de la branche d'industrie qu'on se propose d'exploiter; 2^e, qu'en vertu de la liberté commune plusieurs sociétés anonymes pourraient être concurremment autorisées pour un même commerce

merce; 3^e, que le but de l'autorisation est purement et simplement de certifier au public, d'abord la vérification des bases sociales, et l'existence des moyens annoncés, moyens reconnus être en rapport avec l'entreprise; en second lieu, qu'un examen attentif a été fait de la moralité et de la convenance de l'administration sociale; 4^e, qu'en conséquence le roi n'admet point ce simple projet, et n'autorise point un prospectus dans l'intérêt d'un inventeur ou d'un spéculateur qui recherche des actionnaires; il n'attache son approbation qu'à des sociétés réelles formées par des actes publics, et par lesquelles une masse suffisante de souscripteurs ont déjà engagé et assuré leurs mises."

* * * * *

"Il reste à rappeler qu'après l'approbation obtenue, rien ne peut être changé aux statuts; la société ne peut étendre des opérations à aucun objet qui n'y soit pas compris; elle serait dans le cas de l'interdiction, si elle s'écartait des limites dans lesquelles elle a été placée, sans avoir obtenu une nouvelle autorisation, dans la même forme qu'à son établissement."

And he adds in No. 11:

"Dans l'approbation des sociétés anonymes, proposée à Sa Majesté, il sera inséré une clause portant qu'en cas d'inexécution des statuts, ou de leur violation l'autorisation pourra être révoquée par le gouvernement, sauf les actions à exercer par les particuliers devant les tribunaux, a raison des infractions commises à leur préjudice."

Consequently, though it should be fully and clearly proved that there had been manifest and undeniable violations of the statutes of the Company Uniaõ Mercantil, and the losses caused by them to the petitioners, according to no principle of law would the Government be obliged to make them compensation. Those violations could only serve the petitioners as grounds for demanding and obtaining the withdrawal by the Government of the authorization granted by it to the Company, and thus obliging it to expire and to liquidate, and moreover (and this is the farthest limit of concession) for bringing any actions which they might think proper against those who should have committed them, and given rise thereby to those losses. But the petitioners never made such a petition, and previously to the one to which I am now answering, wherein they make a very different demand, they never complained to the Government either of the proceedings of the Company or of the management of the directors. And, moreover, the facts which they allege to have been violations of the said statutes were some of them practised with the votes of the petitioners themselves, and others received their sanction subsequently, as it is very amply and evidently proved by the aforesaid very worthy councillor the Assistant Attorney General to the Crown in his opinion referred to above; and no one can go against his own acts, or derive any advantage from the same against any third party. And, above all things, it has not yet been proved in any way whatever, and the only means of doing so is by the proper actions before the courts of justice, that losses have been caused by those violations, and what they amount to.

The opinion of some lawyers of this capital, which is adduced as an argument, far from dissuading me from my opinion, does, on the contrary, confirm it still more. It were to be wished that such distinguished jurists had, I will not say developed, but at least pointed out the reasons upon which they grounded their opinion, but they did not do so. They limited themselves to answer hypothetically, without descending to examine and ascertain the facts, that the Government is responsible to the petitioners for the losses which may have been caused to them from the sanction which it may have given with full knowledge of the case to those acts which shall be shown to have been practised by the directors of the Company in contravention of the rules of its statutes. It would be easy for me to prove here, and it may be seen that according to the principles of law, even had such a sanction taken place, it would nowise alter either the nature or the effects of those acts in order to impose any responsibility upon the Government on their account; but as the Government did not sanction any of them, and still less with full knowledge of the case, as it was most evidently proved in the legal opinion above alluded to, it is not needful for me to detain myself in proving this, and there is no doubt, by a necessary inference, that even according to the opinion of such clever lawyers, the Government is not in any way responsible to the petitioners.

The Government has not got commissioners appointed to all anonymous companies or societies, it has got them to those where there are private interests of its own to be looked after; but those commissioners are its own, and not of the shareholders. The latter watch over and look after their own interests as in any other society, through the legal ways and means. The Government has commissioners appointed to the Company Uniaõ Mercantil, but the reason is because it has granted it a subsidy, because it has guaranteed the interest on its shares, and because the latter has entered into several engagements with it, compliance with which it is necessary to control; but these commissioners, I repeat, are only the commissioners and the representatives of the Government, and not of the shareholders.

In fine, and as a summary, there are no grounds, and it is contrary to every principle to try to infer, either from the sanction or from the alteration of the statutes of the Company, or from the existence of the said commissioners, the responsibility of the Government to indemnify the petitioners for the losses which they imagine to have been incurred from the violations of those statutes, by paying them the value of their shares, and the interest thereon. If in anonymous societies the Government, either by authorising them or by sanctioning their statutes and any alterations made therein, or by having appointed a

commissioner to the same, were to be responsible to the shareholders for the violations of those statutes, committed by themselves or by the directors, and were obliged on that account to pay them at least the capital of their shares, with the interest thereon, such societies would in its regard be completely *leonine*, inasmuch as it would often be a loser on their account without ever having a share in their profits, and therefore it would never do to allow them to exist; and it would consequently be necessary to strike them off the codes of all civilised nations.

Should the petitioners, however, not be convinced of these truths, and continue to consider themselves as possessing any rights against the Portuguese Government for so extraordinary a claim, they ought to bring the proper action against it before the courts of justice in Portugal, in consideration not only of the 33d Article of our Commercial Code, which expressly declares "that all foreigners performing any commercial acts in the Portuguese territory are to be subject by those very acts to the Portuguese courts of justice, and to the laws which regulate those acts, their consequences and incidents," but also of the 21st Condition of the Social Contract of the 5th May 1858, in which it was stipulated that the undertaking should be considered to be a national one unto all intents, and in that capacity subject only to the laws of the kingdom, and to the Portuguese authorities.

May God preserve your Excellency.

(signed) *Joaquim José da Costa Simas,*
The Solicitor General to the Treasury.

To the most Illustrious and Excellent Sir, the President of the
Council of Ministers, and Minister and Secretary of State for
the Affairs of Public Works, Commerce, and Industry.

— No. 28. —

MEMORANDUM by Mr. *Lindsay* on the Opinion of the Law Officers to the
Portuguese Government.

THE main portions of the memorial do not appear to me to have been answered, or even referred to, in the very lengthened opinions given by the legal advisers to the Portuguese Government. They introduce much irrelevant matter and are not sparing in personal abuse of myself, most of which is founded on error; I think they might have avoided all such remarks, when they considered, that, apart from the large amount of money at stake, I rendered, at great inconvenience to myself, and by the request of their Government, services which were considered very important to the Government of Portugal in the development of the resources of the Portuguese settlements in Africa.

All the statements in that memorial I offered to prove while at Lisbon, before the Committee which the Government had appointed, and which consisted entirely of its own employés, but they declined to hear me.

There is the report of that Committee; in regard to it, my correspondent at Lisbon, Mr. Pinto Basto, in a letter to me of the 13th ult. writes as follows:—
"Mr. Torres, one of the Committee of Enquiry, called yesterday on my father, and stated amongst other things, that every statement put forth in your memorial was quite correct, and he hoped that their report, which will soon appear, will show to you that they have done their duty, unbiassed, and will be perfectly satisfactory to you. He went further to state that this enquiry will bring the Government to consider the necessity of materially altering the law of joint stock companies, and to avoid the continuation and repetition of the abuses, and unheard of illegalities, which they have met with in the case of the Union Mercantile Company.

"He also mentioned a fact that I was unaware of, that is, as it actually stands, which is, that the Company in their contract with the Government, when raising the loan, have declared your debt to exist, and to be a privileged debt, and to have a preference over that of the Government.

"He also highly disapproved Government not entertaining your proposal to work the line with Government, and regretted that my father had no authority to treat with Government in that sense, as he himself, as one of the Committee, would strongly recommend such a course to Government as the only means to keep up a line which he acknowledged is of vital importance to the Colonies, and the only means of extricating Government from the present dilemma."

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The five "eminent lawyers" referred to in these "opinions" not merely gave an unanimous opinion against their own Government, but confirmed, after the fullest examination, all the statements set forth in the memorial, and all the reasons why the Government of Portugal had rendered itself responsible to those shareholders who had protested.

I could not proceed for the recovery of my claims against the Government of Portugal in any court of law, because the laws of Portugal forbid any action against the Crown.

The principles set forth at great length, applicable to joint stock companies in Portugal and in France, are, I presume, correct, but I am not competent to offer an opinion on this matter; they do not however apply in this case.

I am well aware that under the ordinary circumstances referred to in these "opinions," I would have had no claim against the Government of Portugal, and that however hard my fate, and that of the other British subjects who invested their money in the undertaking, we would have been obliged "to be subject only to the laws of the country and to the Portuguese authorities."

Had the Government of Portugal kept within the laws, there was no course left to us but to fight our battles as best we could in the "courts of law of Portugal," either with the "directors" or with the "Portuguese authorities." But as the Government has infringed the law, and broken its guarantees, our claims, I am informed by competent authorities, have thereby become of an international character; and, when at Lisbon, my attention was called by the Portuguese lawyers to various somewhat similar cases, where the Government of Portugal had to make good the claims of British subjects.

Many of the statements set forth in the "opinions" of the legal advisers to the Government of Portugal are at variance with the facts. I was invited by various letters, now in my possession, from the then Minister of Public Works to advance my capital to aid, not merely a commercial, but, what was considered by him, a national undertaking, I at last did so on the express condition that guarantees would be given for my protection which were violated; and the Assistant Attorney General admits "that the Government sanctioned the acts of the Company," the, I presume, illegal acts on which I found my claims. The Government of Portugal did "acquire rights" and did "get advantages" by the formation of the Company.

To say that the Government of Portugal is not responsible for the interest upon the stock, which I "groundlessly and unjustly claim," is contrary to the express stipulation of their own Acts of Cortes and of the Royal Decree, which guarantees the interest upon the stock, and contrary to fact, for the Government has paid the interest, and, after the remonstrances made by Sir Arthur Magenis, offered to pay the interest, in January last, to me, upon the stock which I held, but with stipulations which would have rendered invalid my claims upon the Government for the principal; and, therefore, under the advice of Portuguese lawyers, I declined to receive it, except as a payment on account.

Mr. Ellicott had no authority to represent me in the manner set forth. He was not my "lawful and acknowledged representative," he had no powers of attorney from me. On the contrary my letters to him expressly prohibit the acts of which I complain. So far back as the 5th January 1860, I wrote to him as follows:—

"I have just been informed that the Company have not merely been negotiating, but have all but completed, through a firm in Liverpool, the purchase of two full-powered steamers at the high price of 45,000 £., for which they intend to give their acceptances at six, twelve, and eighteen months. I cannot believe this information to be correct, or suppose that if such was the case you would not have advised me of it. If it is so, they are about to take a step, which is, to say the least, a most imprudent and unwise one. As by far the largest shareholder in the Company and the only holder of its debentures, I desire you to protest in my name against any such purchase, and to give notice that I will hold the manager and directors jointly and severally responsible to me as a shareholder, and as a holder of debentures, for any loss I may directly or indirectly sustain by the step they are about to take. Besides, if taken, it will entirely shake my confidence in the Company, and I shall require my debentures to be taken up before any bills for the purchase of new ships are paid."

All the remarks about the proceedings of the Company or the Government previous to 1860, are irrelevant. My claims upon the Government are not

founded upon any illegal acts, if there were any, previous to that period. It was subsequent to 1860, and whenever I heard of them, I protested against them in the most solemn manner to the Minister and to the Company in the presence of the representative of the Government; but no attention was paid to my protest, and in fact my letter to the Minister was not even acknowledged. That the Government did appoint commissioners of its own to control and superintend the affairs of the Company is clear, by their own instructions to their commissioners, copy of which is now before me. In these instructions they expressly state that the Government agents are "to see that when the general assemblies meet they deliberate with the legal number of members, stipulated in the statutes of which he receives a copy, and that their decision be given in legal terms, giving notice to Government of any infraction that may happen of these rules, and see that the Minutes which are written of the verbal process of the session shall contain all the necessary explanations, in order to be quite sure that none of the requisitions of the social law are omitted."

And further, the agents are to "give early and immediate notice of any omission which he may find in the Company, that Government may take advantage of its right, and take the resolution which may answer its purpose."

If I cannot say that my shares are "valueless" till the Company is wound up, and if I am wrong in supposing that they have been rendered so by the illegal acts of which I complain, my answer to the Government of Portugal is, "here are the shares which I took at your request, give me in exchange the money I paid for them, the interest you guaranteed, and the actual expenses I have incurred; I desire no gain and seek no compensation; my wish is to close my account, and to have no more to do with you, for you have broken your pledges, repudiated your promises, and by the showing of your most eminent and most independent lawyers, you have violated your own laws."

I would have answered many other statements in these "opinions," but the few hours they have been placed at my disposal have prevented me from doing so; I am, however, ready, at any time, to be examined, and to afford any information that may be required.

8, Austin Friars, City,
9 April 1863.

W. S. Lindsay.

THE directors did purchase these ships, contrary to the stipulations of the statutes, without the approval of a general assembly, or the sanction of the shareholders, and in opposition to my protest as by far the largest shareholder of the Company. The directors accepted bills in payment of these ships, for which they received and appropriated to their own use large sums of money under the head of "commissions." The directors were unable to meet their acceptances for these ships when they fell due, and the Government of Portugal provided the money in the shape of a loan to the Company, taking as security the whole of the assets of the Company, without the sanction of a general assembly of the shareholders, or the approval of any one of the English shareholders, which money the directors used for the payment of their own acceptances; and when the Government of Portugal made that loan they knew that it was for the purpose of meeting these bills. The Government further knew that at that time the interest which had been guaranteed by Royal Decree had not been paid; they also knew that previous to that time the bills, which had been given to English subjects in payment for the steam ships supplied at the request of the Minister of Public Works to form the Company, had been dishonoured, and that at that very time the debentures granted to the English subjects stood over dishonoured, and were in the hands of the public notary at Lisbon protested for non-payment, and are there still, unpaid.

W. S. Lindsay.

— No. 29. —

COPY of DESPATCH from Sir *A. C. Magenis* to the Right Hon. Earl *Russell*.

My Lord,

Lisbon, 24 April 1863.

IN my Despatch of the 24th ultimo, inclosing a translation of the opinion of the law officers of the Crown in the case of the claims of Mr. Lindsay against the Portuguese Government, I mentioned having submitted it to the law adviser of this Mission; and that I would forward to your Lordship his opinion as soon as I received it; and I have now the honour to transmit, for your Lordship's information, a translation of his opinion.

Your Lordship may recollect that I submitted the opinion which Mr. Lindsay had obtained from five lawyers of eminence here, stating that the Government was responsible to him for the full value of his claim, in consequence of having permitted gross irregularities on the part of the direction of the União Mercantil Company, to the same legal adviser of this Mission; and that in vague and general terms he agreed in that opinion, stating that if the Government had committed or permitted irregularities prejudicial to Mr. Lindsay's interests, they were responsible.

Your Lordship will perceive that the opinion which I now transmit, enters more fully into the question, after a careful examination, as it says, of Mr. Lindsay's Memorial, of the opinion of the five lawyers, and those of the Attorney and Solicitor General; and states that Mr. Lindsay can only have recourse to the courts of law of the country to obtain redress from the Government.

As Mr. Lindsay had always informed me that his lawyers had stated to him, that it was not competent for a Portuguese or foreign subject resident in this country to bring an action for damages against the Government, and that their only means of obtaining redress was by petition to the Cortes, which, Mr. Lindsay added, as a British subject, he was unable to have recourse to; and consequently, that his sole remaining means of action was through his own Government, I inquired from the law adviser of the Mission what course Mr. Lindsay was to pursue, as I believed he could not bring an action in a court of law against the Government.

To this inquiry it was replied that I was in error, that it was competent for any one to bring an action against the Government for pecuniary losses sustained in consequence of the proceedings of the Government; and he quoted the instance of an action brought, several years ago, by Count Farrabo against the Government for infringement of the stipulations of the contract he then held of the tobacco monopoly; and that it was only with regard to political matters that it was necessary to petition the Cortes.

Singularly enough, since obtaining the opinion above mentioned, the papers of yesterday announce that Count Farrabo had just obtained a verdict "En Premiere Instance," against the Government in this long-pending suit; and that his claim for compensation against the Government was for 2,000 "coutos" of reis, equal to very nearly 450,000 *l.* sterling.

I have, &c.

(signed) * *Arthur C. Magenis*.

The Right Hon. Earl Russell, K. G.
&c. &c. &c.

Enclosure in No. 29.

(Translation.)

OPINION of the Law Adviser to Her Majesty's Mission with respect to the Opinions of the Law Officers of the Crown of Portugal on the subject of Mr. Lindsay's Claims.

Lisbon, 18 April 1863.

HAVING examined with the greatest attention the four printed documents which I have before me, namely, the memorial presented in October 1862 to his Most Faithful Majesty's Government, containing the claim made by W. S. Lindsay and other British subjects,

subjects, shareholders in the Royal Uniaõ Mercantil Company, together with the opinion of five Portuguese lawyers, of the 20th December 1862, with respect to the responsibility of the Portuguese Government, the opinion of the Assistant Attorney General to the Crown of the 13th February 1863, that of the Attorney General to the Crown of the 20th of February 1863, and the one of the Solicitor General to the Treasury of the 6th of March 1863, it is my opinion that the said claim, wherein the claimants demand that the Portuguese Government should pay them the full value of their shares, together with the interest thereon already due, and to become hereafter due, thus indemnifying them for the losses which they have suffered owing to the arbitrary proceedings of the representatives and managers of the Company, and unduly sanctioned by the Government, is not based upon any grounds derived from the legislation of the country; and that in virtue of the social deed of the 8th of May 1858, the claimants cannot bring forward any special right in their capacity as British subjects, inasmuch as it was clearly stipulated in the 21st Condition of the aforesaid contract of the 5th of May 1858, to which Mr. W. S. Lindsay was an assenting party, that the undertaking was to be considered as a national one unto all intents, and in its capacity as such subject only to the laws of the kingdom and to the Portuguese authorities.

The claimants are shareholders in a commercial company which still exists, and which has not yet been dissolved, and is not under liquidation. I do not possess sufficient data to form a safe judgment upon all the facts alleged in the memorial addressed to his Most Faithful Majesty; for this purpose it would be necessary to hear the other side, the Company with respect to every one of them, and proceed to a more detailed examination, and to fuller investigations, as I declared in the opinion which I expressed on the 2d of January 1863, and to which I shall presently refer more minutely; nevertheless, for the case in question, neither is the present a fitting opportunity, nor is an inquiry into this matter necessary, in order to perceive that the petition of the claimants is devoid of legal grounds.

If the claimants think that the Company has been the cause of losses to them by violating the statutes, and practising illegal and arbitrary acts, which they allege in their memorial, they ought to bring an action against it in the courts of justice, as far as it may be in their power to do in virtue of the laws of the kingdom.

If they think that the Government has been the cause of those losses, inasmuch as it took upon itself the responsibility of the Company, by authorising and sanctioning with full knowledge of the case those acts whence it arises, they ought in the same manner to proceed against it, and bring an action or the proper actions against the public treasury for the losses and damages which they have suffered; but this in the courts of justice and in accordance with the legislation of the country. The only legal resource which the claimants possess, even should what they allege in their claim be correct, is the decision of the courts of justice of the country, petitioned for and obtained in accordance with the forms laid down in the laws of the kingdom.

On this point the doctrine expressed by the Assistant Attorney General to the Crown, which may be read at page 18 of his opinion, and which was also adopted by the Solicitor General to the Treasury, appears to me to be incontrovertible. The claimants, being shareholders in a company which is not yet under liquidation, but still continues to carry on the operations for which it was established, are not able to prove, except by an action before the courts, the loss of the capital in their shares, and the cause which gave rise to the same; previous to this it cannot be said that there is an effective, real, and definite loss. After the latter has been shown "let Mr. Lindsay have recourse (says the Assistant Attorney General to the Crown in the place above quoted) to the Portuguese courts of justice in conformity to Portuguese laws, in order that he may receive compensation from whomever is bound to give it, and should he wish to quit the Company immediately, if he has the right to do so, let him have recourse to the Portuguese courts, and let him petition the same to sever the social bond. The Government is a stranger to all these questions between Mr. Lindsay and his associates arising from the compliance with the contract into which they had entered, and as to the validity and effects of the same; but if Mr. Lindsay insists in making the Government responsible, let him convince it of this responsibility in the courts of justice to which he has expressly subjected himself, and in accordance with the laws whose empire he has expressly accepted and acknowledged, and the Government will go and defend its own rights there, and will comply with the judgment which may be pronounced."

I repeat it, I hold this doctrine to be correct, and to be in harmony with the law of the country, and with the stipulations of the contract. The opinion of the five lawyers of this city does neither destroy it, nor in any way modify it. The claimants have ascribed a much greater importance to this opinion than it really possesses. The five lawyers, on examining the claims of Mr. W. S. Lindsay and of other British subjects, were not of opinion that the Portuguese Government was bound to pay the claimants on account of the same, the capital of their shares together with the interest already due, or to become hereafter due, for which they made a demand therein; and no more did they declare that the claim in the whole of its form, and terms was well grounded, and still less did they find it to have been proved without further process. It was merely their opinion "that the Government is responsible towards the same claimants for the losses which may have accrued to them from the sanction which it (the Government) may have given with full knowledge of the case to those acts which shall be shown to have been practised by the directors in opposition to the rules of their statutes;" and this is essentially different.

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They confined themselves to establish the responsibility of the Government in a certain case without descending into an examination of and inquiry into the facts alleged in the claim, nor did they declare what was the proper means for rendering that responsibility effective. I always understood it so; and this is the reason why on declaring, in my opinion of the 2d of January 1863, that I held the doctrine of the lawyers to be correct, for the reason which I stated that "as soon as a Government either practises any act whatever, or gives it its sanction when practised by another after due examination and with full knowledge of the matter, it is undeniable that it becomes responsible for the said act and liable to the consequences which may ensue from it" (which is an axiom), I added:

"With respect to the justice or injustice of the claim, I have not got as yet any sufficient grounds to form a judgment; and, moreover, the opinion did not treat of this point. What in my opinion is beyond a doubt is, that the right of the claimants against the Government, on account of the illegality of those acts of which it assumed the responsibility by sanctioning the same, is certain, provided that illegality, the origin and source of the damages upon which the claim is grounded, be really proved to exist."

Such is still my opinion, as I think that the claimants have no other resource except in the courts of justice, and in the ordinary means which are allowed by the laws of the country, if they consider their rights to have been violated either by the Company or by the Government.

Such is my opinion, a better judgment thereon always excepted.

— No. 30. —

COPY of DESPATCH from the Right Hon. Earl *Russell* to Sir *A. C. Magenis*.

Sir,

Foreign Office, 14 May 1863.

I HAVE consulted the proper law adviser of the Crown regarding the course which can properly be pursued in Mr. Lindsay's case.

The whole correspondence connected with the case, including your Despatch of the 24th ultimo, has been considered with the greatest care, and I have now to state to you the position in which Her Majesty's Government stand, as I am advised, in reference to Mr. Lindsay's case. Copy to Mr. Lindsay, 14 May 1863

I need not enter into the details of the case, with which you are already acquainted, and in regard to which you appear to have carried into effect my instructions in giving to Mr. Lindsay every assistance which you could properly afford. But I have to state to you that I am advised that the Government of Portugal was no party in the outset to the contract between Mr. Lindsay and the União Mercantil Company, and that it does not appear to be denied that neither in the instrument which contained the foundation, so to speak, of the Company, nor in the statutes, was any mention made of the Portuguese Government.

It seems also clear that the kind of sanction or approval required by the law as a necessary condition precedent to the establishment, did not of itself make the Government either a party to, or responsible for, the acts of the Company.

Such appears to be the fair result of the provisions contained in the Commercial Code of Portugal, and in the codes of other States, founded upon similar principles, with respect to "Anonymous Societies."

That the directors of the Company did act irregularly, that Mr. Lindsay did complain, that the Portuguese Government did nevertheless not withhold their approval or sanction, may be at least assumed on behalf of Mr. Lindsay; but I am advised that the step taken by the Portuguese Government cannot be treated as judicial in its character rather than as administrative, and if the act was not judicial, there is no legal responsibility attaching to the Portuguese Government.

But, in any case, the Portuguese Government do in effect say, "the law is open to you, and both the general law and the particular conditions of the Company are express upon the point that all matters relating to it are to be considered as questions of Portuguese law, to be decided by Portuguese tribunals."

This position is most important, and appears to be well founded.

The 33d Article of the Portuguese Code states that "any foreigner performing any commercial acts within the Portuguese territory is to be subject by that

very fact to the Portuguese courts of justice, and to the laws which rule those acts, their consequents and antecedents."

And the 21st Condition of the Contract of the Company states that "the undertaking is to be considered national for all intents, and in this capacity subject only to the laws of the kingdom and of the Portuguese authorities."

It appears also from your Despatch, that besides an appeal to the Portuguese courts, it is open to Mr. Lindsay to proceed by action against the Portuguese Government for pecuniary losses sustained in consequence of the proceedings of that Government.

The conclusion from what has been stated above is clear, that Mr. Lindsay's case is not one in which, upon principles of international law, Her Majesty's Government are called upon to interfere officially, as in a matter between one Government and the other.

Mr. Lindsay's case is one which calls for the sympathy of Her Majesty's Government, and as such you have been authorised to give it the benefit of your good offices. There is too much reason to believe that his complaints against Portuguese courts of justice are well founded. But, so far as the *União Mercantil* Company and the interests growing out of it are concerned, it cannot be denied that Mr. Lindsay voluntarily entered into a Portuguese contract, clothed himself with a Portuguese character, and submitted himself to Portuguese law as administered in their courts; and so far as the facts are known to Her Majesty's Government, it does not appear that the Portuguese Government has so conducted itself with reference to this Company as to have become officially responsible for the conduct of the directors, even if that conduct had been, as it has not been, pronounced guilty by the courts of Portugal.

Her Majesty's Government are thus restricted from official interference on behalf of Mr. Lindsay; but, considering all the circumstances of the case, I should learn with the greatest satisfaction that any unofficial steps on your part, or any advice which you may be enabled to offer to Mr. Lindsay or his agents, was calculated to promote his interests and place the matter on a more favourable footing.

Sir A. Magenis.

I have, &c.
(signed) *Russell.*

— No. 31. —

COPY of LETTER from Mr. *Lindsay*, M. P., to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, City, 19 May 1863.

AMIDST the mass of papers connected with my claims, and those of other English subjects upon the Portuguese Government, the leading facts may have been overlooked, or I may have neglected to bring them under your Lordship's notice.

The following statement will, I think, show that the Government of Portugal was a party from the outset to the investment of our capital in the Union Mercantile Company.

Towards the end of 1857, various merchants resident at Lisbon, requested, by letter, my aid in the formation of the above undertaking. They were very urgent. They informed me that the Government of Portugal was most anxious about it, would give the Company its support, and gave me to understand that my capital would be protected by the Government. I accordingly addressed the then Minister of Public Works of Portugal on the subject, and I enclose herewith copies of his letter to me, all written by himself. On the faith of these and other representations I was induced to visit Lisbon. I did so, and had numerous interviews with him and other members of the Cabinet. I agreed with these Ministers the terms of the statutes in which clauses for my protection were to be inserted; and it was not until those conditions were confirmed that I despatched the first steam ship to start the undertaking, about which the Minister of Public Works was very urgent, as your Lordship will see by his letters to me.

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The statutes were duly confirmed by the Legislature. In course of time, an Act was passed guaranteeing interest upon the stock of the Company, and the special instructions from the Government to the Commissioner they appointed to superintend the affairs of the undertaking, expressly state that the first duty of the Commissioner is to see that the conditions of the statutes are fulfilled.

On the faith of all these, I supplied the necessary capital, or rather the steam ships required for the undertaking. So far as contracts, bonds, and Acts of the Legislature could afford security, I could not require more than they gave; but no sooner had they got possession of our capital than they ceased to pay any respect to these documents. The directors dishonoured their acceptances to me when they reached maturity; and they repudiated their debentures. The statutes were openly violated. The commissioner failed to carry out his instructions, and the Government has not paid me one sixpence of the interest they guaranteed. I did not believe it possible that, in any country, such things could happen. And at great inconvenience to myself I again visited Lisbon, in January 1862; but the then Minister would hardly see me, and Senhor Carlos Bento, who addressed me so urgently in 1858, did not even answer the letter I then addressed to him, copy of which I enclose; nor did the then Minister of Public Works condescend to give an answer to the letter from my attorney, of which I send herewith a translation.

Actions were then raised in the courts of law against the Company for the payment of its debentures; but, though the terms of these documents are clear and specific (upon which judgment would at once be given in our favour in this country), the Courts of Lisbon decided against us; and though Mr. Herries pronounced, in his letter to your Lordship, the decision of the Lower Court to be "manifestly absurd," the Upper Court confirmed it, and I cannot hope for any more favourable decision from the Supreme Court, to which the case is now slowly proceeding.

In regard to my own claims and those of other English subjects upon the Government for the value of our shares (for which alone we at present seek the interference of Her Majesty's Government), it would be vain to hope that we would get a decision in our favour as against the Government; but the leading lawyers of Lisbon advised me when I was there, three months ago, that an action could not be raised against the Crown.

I understand that Sir Arthur Magenis has already forwarded to your Lordship the opinion of the legal advisers to the Legation in regard to the international character of our claims upon the Portuguese Government; and also a copy of the opinion of five of the leading counsel of that place who, for the reasons set forth, consider that, upon the principles of international law, our Government should interfere officially as in a matter between one Government and another; and without such interference, I see no hope of recovering the large amount of capital we invested in the manner I have stated to your Lordship.

Had the Government of Portugal kept within the law, we would, by the 21st condition of the contract of the Company, have had no recourse against the Government, except through the Portuguese Courts, had these courts been open to us; but by the enclosed letter from an eminent lawyer at Lisbon (which I received just before I left in January last that place), who had thoroughly investigated all the facts, your Lordship will see that, while he agrees with the legal opinions to which I have referred, he states that our only recourse now is through our own Government, and gives his reasons for holding that opinion.

I am, &c.

The Right Hon. Earl Russell, (signed) *W. S. Lindsay.*
Her Majesty's Secretary of State for Foreign Affairs.

Enclosure 1, in No. 31.

COPIES of LETTERS from the Minister of Public Works, at Lisbon, to Mr. *Lindsay*, 1858.

(1.)

Sir,

Lisbon, 8 January 1858.

I HAVE not replied to your former letter, on account of a ministerial crisis, which has kept me from fulfilling my engagements. Now that the position of things has changed completely, I hasten to reply to what you have written. It is useless for me to tell you that I have used every means to arrange the affairs of the Company in the best possible manner. I

have even taken on myself the responsibility of hastening the decision of the affair, without its again requiring to pass before the House. It is quite true I have tried to alter a little the spirit of the other propositions made to Government, but I do not the less wish well to the enterprise. I think the undertaking will be advantageous to those engaged in it, and the modifications I have lastly proposed are not to be considered as really changing your conditions, but are indispensable for the Government to justify its conduct. There is one, for example, necessary for the Azores line; the law required three ships to perform the voyages, but I think to fix the number of voyages will give greater regularity of communication; and it is well to fix the number of voyages to be made each month, otherwise 12 or 13 voyages will be made in summer, thus debarring the isles from a regular communication.

Seeing what I have judged of the affair, I think it will be advantageous for the Government, but no less so for those concerned in it; and I shall be glad when you, seeing the justice of the intentions of the Government, will give me, with your friends, the opportunity of concluding the contracts of the African and Azores lines.

W. S. Lindsay, Esq., M.P.,
London.

I am, &c.
(signed) *Carlos Bento da Silva.*

(2.)

Dear Sir,

Lisbon, 30 January 1858.

I HAVE received yours of 24th ultimo, in reply to which I beg to say that I have seen Messrs. Candido de Abreu and Fadisso, regarding the approval of the last basis proposed for the establishment of the Steam Navigation Company; I believe that every objection is now removed, and that you will hasten to ratify the contract, and despatch immediately the steamer "Lindsay," at least, which has been ready some time. I believe that the African navigation will be a good business for all parties, and that the line to the Azores will not injure the Company in anything; on the contrary, I expect that the speedy realisation of the contract will now make the same more acceptable to the public, inasmuch as the delay that has hitherto occurred in the formation of the Companies has given rise to some incredulity.

To W. S. Lindsay, Esq., M.P.,
London.

Yours, &c.
(signed) *Carlos B. da Silva.*

(3.)

Dear Sir,

Lisbon, 28 February 1858.

I HAVE received your letter of the 16th instant. I see with much pleasure that you have agreed with what I wrote to you, and I flatter myself soon to set on foot an undertaking which will prove of so much benefit to the State and the shareholders. I have used every means to get together the members of the Portuguese Direction of the Company, but the illness of some, and also of Mr. Abreu, has prevented my doing so. However, there will be a meeting to-morrow. Mr. Abreu had a conference with me to-day, and will advise you by to-morrow's packet. It is necessary for you, also, to send an official authority, signed also by Mr. Perey, agreeing to the modifications, of which they have sent you a copy. As for the rest of the contract, I have already the necessary documents in the proposition you have made. To-morrow I shall endeavour to make these gentlemen adopt the resolution of considering the Company as formed, seeing we have your adhesion, merely waiting that you will make it formal by sending the document of which I have spoken. We shall telegraph to you the result, in order that you may send the "Lindsay," and, as soon as possible, the steamer for the Azores line.

W. S. Lindsay, Esq., M.P.,
London.

I am, &c.
(signed) *Carlos B. da Silva.*

(4.)

Dear Sir,

Lisbon, 28 March 1863.

THE contract and the statutes of the Navigation Company are ready to be signed to-morrow, or the day after to-morrow. We will let you know by telegraph of the verification of this fact, and I rely that you will give your orders respecting the ship which ought to commence the voyage to the Azores, and which ought not to be retarded.

W. S. Lindsay, Esq., M.P.,
London.

I am, &c.
(signed) *Carlos B. da Silva.*

Enclosure 2, in No. 31.

Sir,

Braganza Hotel, Lisbon, 18 January 1862.

IN the months of January, and February and March, 1858, when you filled the office of Minister of Public Works, you did me the honour to address me to London on the part of your Government. You expressed yourself anxious to develop the great natural resources of the Portuguese settlements in Africa, and to give to the subjects of this country resident there the facilities which steam communication between the parent country and its colonies would afford. The object you, as the Minister, had in view was most laudable; and in your various letters now before me you express an urgent wish "to set on foot an undertaking which will prove of so much benefit to the State and to the shareholders." As your Excellency had been unable to obtain in this country the means of setting on foot the line of steamers you had long been anxious to establish, and as you were very desirous that I should send ships to do so, I at last consented to place three of my steam vessels at the disposal of the gentlemen resident here, who, with your Excellency, felt that the undertaking would be one of much national importance, and were prepared to form themselves into a company for the purpose of carrying into effect the object which the Government had in view. On the arrival of my steamers in the Tagus the Company was formed, and still carries on its business under the name of the "Union Mercantile Steam Navigation Company."

The shares, however, of the Company were not taken up by the public as was anticipated, and the directors found that they were consequently unable to make the payments stipulated for my ships. I then visited this place for the first time, and, as I considered the object in view a very commendable one, I did not hesitate, partly on the representations which your Excellency was pleased to make to me, to receive in payment for the vessels I had consented to supply, not merely one-half in the shares of the Company, but the other half in bills extending over three years, so that the directors might have ample time to dispose of the shares. A portion of these bills were paid at maturity; but as all the efforts of the directors had failed to place the shares in the market, they had not the means of meeting the remainder, and they required a still further extension of time. I consequently again visited this place in December 1859, and accepted, in exchange for the bills, debentures of the Company, payable in instalments in eight years from that time, the redemption of which was faithfully promised when they fell due. The first has been met, and paid; but it appears that the Company have, even yet, not been able to emit the shares, and have consequently been unable to pay the instalment, with interest, which fell due on the 30th ultimo. I have, therefore, at great inconvenience to myself (for, as your Excellency may be aware, my time is very fully occupied with my public and private duties in England) been again obliged to visit Lisbon. The whole of the stock in the Company, which I originally accepted in part payment of the vessels I supplied, amounting to 37,000 £ sterling, I still hold, and I am willing to continue to hold it if arrangements are made by the Government for the efficient working of the Company; but I cannot be expected to exercise further forbearance in regard to my debentures, amounting to 14,100 £ sterling. These I now require the directors to pay, and if arrangements are not promptly made for their liquidation I will be obliged to put in force the bond and powers which I hold, and recover the amount by the sale of the effects of the Company. I will take this step with great reluctance and much pain, for it will destroy a Company which has now overcome most of the difficulties incidental to all new undertakings, and which bids fair to prove of great value to this country, and, with the necessary changes in the management of its affairs, can be made profitable to all who are connected with it.

In the event of the Company being wound up, I trust your Excellency will be of opinion that, as I invested 37,000 £ stock in it, in a great degree on the faith of the representations you were pleased to make to me, I would be entitled in equity to look to the Government for any loss I might thereby sustain; and I cannot but feel that the Government of Portugal would, under the circumstances I have named, and with its high sense of honour, readily meet me. The Government inviting me, as a British subject, to aid with my capital, an object which it was most anxious to carry into effect, could not hesitate to protect capital thus invested. But I can hardly anticipate any such crisis. The Government has, I find, advanced by loan, on the security of the unissued shares of the Company, much the largest amount of capital now invested in it, and has further guaranteed 7 per cent. interest on its shares. They and I, I may add, now hold nearly the whole of the stock of the undertaking in our own hands. The ships are in complete working order, and are represented to be of greater value than the amount of the Government advances and all the shares held by me and others in the undertaking; and it appears, so far as I can at present judge, to be in a wholesome and sound state. That being so, would it not be much better for all parties that the Government took the affairs of the Company solely into its own hands? Under these circumstances I would be happy to leave my stock in it, or take in exchange the stock of the Government, and I would be prepared to make arrangements, under the directions of the Government, for the efficient and economical

working

working of the undertaking. Should you feel disposed to entertain some such proposal, I would with pleasure wait upon your Excellency if it was convenient for you to see me on an early day, as I must return to England by the 26th instant at the latest.

To His Excellency
Senhor Carlos Bento da Silva,
&c. &c. &c.

I remain, &c.
(signed) *W. S. Lindsay.*

Enclosure 3, in No. 31.

LETTER addressed by the Attorney of the undersigned at Lisbon to the Minister of Public Works, in January 1862, to which no reply was sent.

(Translated from the Portuguese.)

Most Illustrious and Excellent Sir,

IN the course of the months of January, February and March of 1858 I had the honour to receive various letters from his Excellency Senhor Carlos Bento da Silva, at that time Minister of Public Works and now of the Marine, whereby his Excellency invited, and even urged me on the part of the Portuguese Government, to give my assistance in the formation of the Company called the "União Mercantil," which various merchants of the capital, in unison with the Government, and backed by it, were endeavouring to set on foot an object impossible of attainment through the sole agency of the capital of this country, inasmuch as the holders of such capital would not come forward and subscribe for the Company's shares. That which his Excellency the Minister asked of me most pressing was, that I should furnish the necessary steamers to set going at once the service of the mails, that being the object of the Company's undertaking.

I acceded to this application, and lost no time in placing the steamers required at the disposal of those gentlemen who, in common accord with the Government, proposed the formation of the Company, an intention they carried out immediately on the arrival of the vessels at the port of this capital.

The assurance that his Excellency the Minister gave me, on the part of the Portuguese Government, that the undertaking of the Company and the establishing thereof, while it was of great advantage to this country, would be also highly advantageous and profitable to the shareholders; and, above all, the guarantee afforded to myself by the intervention of the Portuguese Government, were my inducements to aid in the foundation of the Company, and to supply the vessels, whereby I embarked capital to a very considerable extent.

The direction of the Company had engaged to settle with me, by means of loans, for the amount of the vessels; but, as they were unable to succeed in issuing the shares, they found it impossible to raise such loans.

That was the occasion of my first visit to this capital; when, trusting in what was told me by his Excellency the Minister, and continuing to confide in the Government guarantee towards myself, I did not hesitate to accept shares of the Company in payment of one-half the price of the vessels, and the other half in bills of one and three years' date, so that the direction might have a longer time wherein to effect the issue of the shares.

The direction paid some of those bills, but the difficulty concerning the issue of the shares still continuing, they begged me to allow them a longer period wherein to pay the remainder.

This circumstance caused me to come over for the second time to this capital, viz., in December 1859, when, moved by the desire to assist the Company, and supported by the confidence which I reposed in the guarantee of the Portuguese Government, I acceded to the request of the direction by agreeing to accept, in exchange for the bills, bonds of the Company (apolicies) to the extent of 14,000*l.*, for which I was creditor, to be amortized or redeemed in eight years, by half-yearly instalments of 6% paid during the last days of June and December of each year, with interest respectively, in the form declared in the bonds, and laid down by the contract which I made with the direction, dated the 28th of the said month and year.

The first half-yearly instalment due at the end of June of the following year was paid me. But having, in conformity with the stipulations of the said last contract, drawn upon the direction two bills for the instalment which had to be paid at the end of the December following, the direction refused to accept them, on the plea which may be styled audacious, as being so evidently inexact, that they had no funds of mine in their hands, and were not authorised to make advances.

This unexpected, strange and unheard-of proceeding on the part of the direction towards me, compelled me for a third time to come over to this capital, to my very great sacrifice and injury, as, in order to do so, I was compelled to forsake much public and private business that required my attendance in London.

In fact, it must appear to you both astounding and inexplicable that the direction should have

have the audacity to declare in their protests of the bills that they did not accept them, because they had not in their possession funds of the drawer who was the creditor of the Company, whereof they the declarants were directors, for something more than 14,000 £; and who drew those very bills by virtue of, and in conformity with, one of the clauses of the contract alluded to, passed between them.

I cannot help discovering in this conduct of the direction a plan hit upon by them to do me an injury, and perhaps cause me to lose the very considerable capital which, at the request and on the guarantee of the Portuguese Government, I entrusted to the Company.

Your Excellency will not fail to perceive that as in my capacity of a British subject, I have been instigated by the Government of his Most Faithful Majesty to entrust to the company so large a capital, on the strength of the assurance given me by the Government that the undertaking of the Company was of great advantage to this country, and of even greater to the shareholders, and that the reimbursement of my capital should be secured to me; it is with clear and well-grounded reason that I consider I have a manifest and incontestable right to claim of the Government of his Most Faithful Majesty, either that it should protect me, and compel payment to me of the capital for which I am the Company's creditor, and which the direction in so improper a manner refuses to repay me, without my being compelled to suffer the delays, inconvenience and expense of judicial suits, which would oblige me to neglect my business in London in order to be present in this city, and remain here for the purpose of pushing on the proceedings; thus causing me prejudice and loss, the sacrifice of lucrative business and prospective damages, which I at once protest to claim; or that it should assume my claims for its own account, on my transferring to the proper authorities my right of action against the Company in return for my capital.

The Government of his Most Faithful Majesty, in Article 20 of the conditions of the contract which was made with the founders of the company for the adjudication of the undertaking thereof, reserved to itself power to appoint a Commissioner of its own, to appear at the meetings in order to watch the proceedings thereof—an arrangement which was more expressly and positively established in condition 3 of the contract made and passed with the direction on the 5th of January 1861, it being determined therein that the Government agent should superintend all the acts of the direction and the fulfilment of the contracts.

Through the intervention of its Commissioner, the Government of his Most Faithful Majesty must have entire knowledge of the contracts I have made with the direction and their mode of proceeding towards myself, entailing the non-fulfilment of those contracts.

And, moreover, the Government of his Most Faithful Majesty by so intervening, superintending, and controlling the acts of the direction, cannot shirk the responsibility which I claim to throw upon it, inasmuch as, by allowing the direction so to proceed, it has concurred in prejudicing my interests.

I must not omit to mention to your Excellency the strange pretext which I learn the direction has put forward, in order to explain their refusal to accept the bills; viz., that the steamers which I sold to the Company were badly built, badly stored, and badly manned, facts which compelled the direction to incur serious expense in the way of repairs, amounting to some twenty and odd million reis.

Even were such a pretext not ill-founded, as it undoubtedly is, such imaginary claim could not authorise the direction to declare that they did not accept my bills, because they had no funds of mine in their possession.

But, in order to appreciate at once the emptiness of such pretext, it will be sufficient to call to mind that the direction, before receiving the vessels, caused them to be most carefully examined by an agent of their own, expressly commissioned for the purpose; that after receiving them and giving them a trial, they thanked me for the good quality and condition of the vessels, and desired me to let them have another one; and that such claim invented by the direction, and which they thought of having recourse to after the vessels had been a long time in their service, and then only when they found it was impossible to pay the bills, so far from being admitted by me, was always rejected as unfounded and incorrect; and that finally, the direction, when making with me the contracts of the 20th December 1858 and 28th December 1859, made no mention whatsoever therein of such claim, but engaged purely and simply to pay me the purchase-money of the vessels.

It is, therefore, by direct infringement of their contracts, and by throwing discredit on their own bonds, that the direction refused to accept the bills, and made the unheard-of declaration which is to be found in the protests thereof.

Again, touching another point of not less importance, I beg permission to ask the most serious attention of your Excellency.

It was, as I have observed, in consequence of the solicitations made on the part of the Government of his Most Faithful Majesty, and through confiding in the security and guarantee which I understood it granted my capital, that I came forward to assist in the formation of the Company, and consented to take shares in payment of one-half the price of the vessels, viz. to the extent of 37,000 £.

These circumstances should have induced the Government of his Most Faithful Majesty not only to superintend and insist upon the entire and scrupulous observance of the statutes of the Company, inasmuch as by such vigilance of the Government, the good faith of the shareholders was supported and made easy; but they should more particularly

cularly have induced the authorities not to authorise, and much less to make with the direction contracts for which the acts and formalities prescribed by the statutes, in order to render them legal and valid did not provide, and whose nature must tend to prejudice the interests of the shareholders.

Unhappily it was not so; and I regret to find myself compelled to observe to your Excellency, that the contracts lately passed between the Government of his Most Faithful Majesty and the direction of the Company, were in direct violation of the statutes of the Company, and were ruinous for the shareholders.

In the attributes conferred by Chapter 3 of the Statutes upon the direction was not comprised, nor could rationally be comprised the power to contract loans, or specially mortgage the property and securities of the Company. On the contrary, the disposition thereof in No. 5 of Article 18, clearly establishes the necessity that, for such acts the direction shall be specially authorised by a deliberation of the general meeting, which the direction must convoke for that purpose.

The legal convoking of the meeting must, by the terms of Article 35 of the statutes, be effected by means of advertisements, inserted 60 days in advance in the chief country papers, and in the principal journals of those countries where the Company have shareholders.

Yet, I have never been able to learn that such advertisements convoking a general meeting have ever been inserted, or that such meeting actually did assemble, giving authority to the direction to contract with the Government, and on the terms in which they have contracted.

And as I am the principal shareholder, and by the terms of Article 33 of the statutes, in order to take the resolution it was indispensable to obtain my votes, equivalent to one vote for each two shares (it seems strange), that I should be neither called upon nor heard in reference to these contracts.

These contracts, and more especially the one that was authorised by the law of the 10th September 1861, so depreciated the shares that they remained valueless upon the market.

And the Government of his Most Faithful Majesty, by contracting with the direction, without previously demanding the performance of the formalities and authorisation which are indispensable for the kind of contract, manifestly assumed a responsibility towards the shareholders, whose rights were thus set aside.

I cannot be compelled to suffer the prejudice occasioned me by the contract which the Government has thus passed with the direction, without my being heard as a shareholder, and advised to appear at the general meeting, and give my vote.

This prejudice consists in the valuelessness to which, by virtue of the contract referred to, the shares I possess have been reduced, the value and amount thereof being no longer the same.

I therefore see myself under the necessity of claiming of the Government of his Most Faithful Majesty payment of the 37,000 £., the amount of the shares of which I am the holder, and which I received as part payment of the vessels that, at the request of your Government I sold to the Company, I being ready to deliver over the said shares in consideration of such sum.

I feel confident that the Government of his Most Faithful Majesty will not hesitate to acknowledge the justice of my claims; and in such confidence I forego the having recourse to the protection and intervention of my own Government.

But in case, which I do not expect, they should not be attended to and satisfied, your Excellency must permit me to protest for the same, as well as for all prejudice and losses, stoppage of business, and damages accruing to me in consequence.

I likewise protest that these my claims shall not be, or shall not be understood to be prejudiced or suspended in their decision, by reason of the legal proceedings I intend taking against the direction, and my demand for payment of my entire credit by virtue of the clause of the contract so disposing, inasmuch as they are founded on my private rights as against the Government.

I am, &c.

— No. 32. —

COPY of LETTER from Mr. *Lindsay*, M.P., to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, London, 23 July 1863.

I REGRET to advise your Lordship that all my efforts to obtain justice from the Portuguese Government, in regard to my claims, and those of other British subjects have failed.

Your Lordship was pleased in the course of last year to order a special inquiry to be made respecting the legal proceedings we had been obliged to institute in the Portuguese Courts; and Mr. Herries, in his report from Lisbon, stated that though

though the decision of the judge in the first Court was "manifestly absurd," we had an appeal to "the Commercial Court of the Second Instance." We have since, at great expense, made that appeal; but the second Court confirmed the decision of the first. We then appealed to the Supreme Court, and to-day I have received the following telegram from my correspondents at Lisbon:

"As I expected, sentence was confirmed against you in the Supreme Court. You have now no appeal." Thus every effort to obtain justice from the Portuguese Government, to obtain even the execution of its own laws, has entirely failed, and we have now no course left but to throw ourselves upon Her Majesty's Government, and, as English subjects, pray your Lordship to protect us from the loss we sustain by the violation of contracts, the abuse of law, and the perpetration of great wrong.

I am, &c.

(signed) *W. S. Lindsay.*

The Right Hon. the Earl Russell,
Her Majesty's Secretary of State for Foreign Affairs.

— No. 33. —

COPY of LETTER from *Mr. Lindsay, M.P.*, to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, City, 24 July 1863.

I VENTURED to address your Lordship yesterday on the subject of my claims, and those of other English subjects against the Portuguese Government; and I am sure your Lordship will feel that I need not offer any excuse for again troubling you with the enclosed copy of letter received from Lisbon this morning. The writer of the letter is a Portuguese subject, and a member of one of the oldest and most respectable commercial firms in that country. He appears to be much ashamed (and well he may be) of the acts of his own Government and the decisions of their courts of law, which, in this case at least, appears to be entirely under their control.

When Sir Arthur Magenis in November last, expressed to the chairman of the Union Mercantile Company, his great surprise at the claims made for alleged detention by the embargo of the steam ship "Don Pedro," he was informed by that person, on the part of the Company, that it was a mere matter of form, but immediately I left Lisbon in December last, the Company commenced legal proceedings; and in this instance, as in all others, the Courts appear to decide in whatever way it suits the interests either of the Government of Portugal, or of the Union Mercantile Company, which are practically one and the same. Apart altogether from the claim itself (which has really no existence except as an account made up by the Company) the embargo was laid on the steam ship "Don Pedro," in accordance, not merely with the express conditions of the debentures of which I am a holder, but by an order from one of the judges of the Courts of Portugal.

My letter of yesterday informed your Lordship of the result of my last appeal for the recovery of the debenture stock. That stock is payable "to bearer," and judgment, I am informed, in the Courts of every country where such stock is dishonoured, would be given in favour of the holder of it, the same as in the case of bills of exchange noted and protested for non-payment. But though such is also the law in Portugal, all the courts of law of that country have now decided, while admitting the perfect validity of the debentures, that the company which issues these debentures, are not bound to pay either principal or interest upon them.

Your Lordship has hitherto been pleased to express the sympathy of Her Majesty's Government for the unfortunate holders of this stock, and to request Her Majesty's Minister at the Court of Portugal to render his good offices on their behalf, and I know he has done so. But as all his unofficial remonstrances have been made in vain, and have I believe not been treated by the Government of Portugal in a manner you had a right to expect, I trust your Lordship will

not now hesitate to request your Minister to officially call the attention of the Portuguese Government to the facts I have brought under your Lordship's notice.

I am, &c.
(signed) *W. S. Lindsay.*

The Right Hon. Earl Russell,
Her Majesty's Secretary of State for Foreign Affairs.

Enclosure in No. 33.

Dear Sir,

Lisbon, 16 July 1863.

It is again my painful duty to inform you that finally judgment was given yesterday in the action brought against you by the Union Mercantile Company for damages for alleged detention by embargo of the "Don Pedro." After three weeks' consideration, the judge sentences you to pay the demand of the Company, 17,583,821 reis, or 4,000 *l.* about. I will send you a copy of the sentence in a day or two.

Abranches has appealed. The day is fixed for judgment in the Supreme Court the 21st Monday; this is for the debenture case.

This state of things is positively worse than being amongst the blacks or red Indians, or any other wild tribe, for at least they do not profess to justice, or courts of law; but here these courts by what we have seen, are the cloaks to the greatest public act of swindling I ever heard of, and I am sure any impartial person will say the same.

I am, &c.
(signed) *E. Pinto Basto.*

— No. 34. —

COPY OF LETTER from Mr. *Layard*, M.P., to Mr. *Lindsay*, M.P.

Sir,

Foreign Office, 29 July 1863.

WITH reference to your letters of the 23d and 24th instant, I am directed by Earl Russell to express to you his regret that he cannot interfere officially in your behalf with the Government of Portugal.

I have, &c.
(signed) *A. H. Layard.*

To W. S. Lindsay, Esq., M.P.

— No. 35. —

COPY OF DESPATCH from the Right Hon. Earl *Russell* to Sir *A. C. Magenis*.

Sir,

Foreign Office, 29 July 1863.

I TRANSMIT to you herewith an extract from the "Times" newspaper, being a letter from an anonymous correspondent regarding Mr. Lindsay's case, and I have to instruct you to report to me on the several statements contained in this letter.

I am, &c.
(signed) *Russell.*

Sir *A. C. Magenis*, K.C.B.,
&c. &c. &c.

— No. 36. —

COPY OF LETTER from Mr. *Lindsay*, M.P., to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, London, 31 July 1863.

I HAVE to acknowledge receipt of your letter of the 29th instant. I trust I am not to understand by it that your Lordship declines to forward to Sir Arthur Magenis my communications to your Lordship of the 23d and 24th instant, and that he is not to interfere officially, even if it is found that the Portuguese Courts have acted in the manner set forth in these letters.

I am, &c.
(signed) *W. S. Lindsay.*

The Right Hon. the Earl Russell,
Her Majesty's Secretary of State for Foreign Affairs,
&c. &c. &c.

"Times,"
16 July 1863.

— No. 37. —

COPY of LETTER from Mr. *Layard*, M.P., to Mr. *Lindsay*, M.P.

Sir,

Foreign Office, 5 August 1863.

IN reply to your letter of the 31st ultimo, I am directed by Earl Russell to acquaint you that he is advised, by the Law Officers of the Crown, that your case is clearly not one in which Her Majesty's Government ought to interfere officially; and, in view of this advice, it is impossible for Lord Russell to make any official representations to the Portuguese Government on your behalf.

I have, &c.

(signed) *A. H. Layard*.

To Mr. W. S. Lindsay,
8, Austin Friars.

— No. 38. —

COPY of DESPATCH from Sir *A. C. Magenis* to the Right Hon. Earl *Russell*.

My Lord,

Lisbon, 18 August 1863.

I HAVE the honour to acknowledge the receipt, by private ship, on the 7th instant, of your Lordship's Despatch of the 29th ultimo, enclosing an extract from the City Article of "The Times" regarding Mr. Lindsay's claims against the Portuguese Government; and, in obedience to your instructions, I proceed to report "on the several statements contained in this letter."

It is correct, as stated in the letter signed "A Portuguese," that the Government of this country did not invite English capitalists to take part in the projected "União Mercantil" by the guarantee of 7 per cent. interest. The Company was formed without any guarantee, though the Government, at a subsequent period, as stated, guaranteed 6 and afterwards 7 per cent. on the whole capital. The Government did, however, invite, and in a very pressing manner, Mr. Lindsay to take part in the enterprise, as can be clearly established by letters which I have seen addressed to him by Mr. Carlos Bento, then Minister of Public Works. In fact, without Mr. Lindsay's participation as an owner of steamships, it is doubtful (and I believe the Minister said so in his letters) whether the Company could have been formed when it was.

That gentleman sold to the Company three steamers, namely, first the "Lindsay" (now "D. Estephania"), and subsequently the "Clarendon" (now "Africa"), and the "Ireland" (now "D. Pedro").

				£.
The price for the former was	-	-	-	19,000
And for the two others respectively	-	-	-	25,000
And	-	-	-	30,000
				£. 74,000
And he was paid for the "Lindsay," in cash	-	£.	9,500	
And for the two others	-	-	11,400	
Together	-	-	-	20,900
And took shares for the first to the amount of	-	9,500		
And for the two last	-	-	27,500	
				37,000
With debentures for the latter to the amount of	-	-		16,100
Making the total of	-	-	-	£. 74,000

This varies from the statement in the letter, that the "total consideration amounted to 77,691*l.* 9*s.* 2*d.*;" and I have been informed by one of the Directors that the Company "know nothing of this sum, or to what it refers."

With regard to the statement that "his vessels proved to be entirely unfit for the service, and far below the standard agreed upon in the purchase," I must observe that the Company, before purchasing, had them examined in England by competent surveyors of their own selection, who declared they fulfilled the stipulated conditions; and I have seen a regular receipt respecting the two latter steamers which he had sold (about the first there is no dispute), signed by all the Directors, to that effect, which Mr. Lindsay produced in my presence to Mr. Medicott (one of that body), who did not and could not deny his own signature. I must further observe that these three vessels had, as I am informed by a Director of the Company, performed six voyages each to Loanda before Mr. Lindsay brought his action against the Company, against which the latter made a claim of 28,442,572 reis (about 6,300 *l.*) for repairs.

It is, of course, impossible for me to say whether the steamers in question were or were not in an effective and serviceable state. Both parties in the suit maintain their own opinion; but there is the patent fact that the Company, after due examination of the vessels in question before purchase, declared the contrary of what they now maintain. Mr. Lindsay has, moreover, frequently declared to the Company, and also to the Duke de Loulé, the Minister of Public Works, in my presence, that notwithstanding the discharge in full which he had, if it could be shown that there were repairs which he was bound in equity, though not legally, to make—that, as a man of honour and as a British merchant, he was willing to make them. In short, as far as I am aware, nothing could be fairer or more straightforward than that gentleman's conduct; and, far from wishing to break up the Company, he has always declared his willingness to leave his money in it, if reformed and carried on on sound commercial principles—believing that, if that were effected, the enterprise would prove remunerative.

It is not for me to enter into the merits of the decisions of the Portuguese courts of law in this case, widely as they differ from the ordinary-received ideas of justice in our own country.

It is perfectly true, as the letter states, that the Government has never repudiated the guaranteed interest, though I believe the payment of it is in arrear. Before Mr. Lindsay's departure from Lisbon in January last, the Government paid an instalment of interest; but as that gentleman, by the advice of his legal adviser here, maintained that the Government was responsible to the English shareholders for the repayment of the whole of their capital and interest, he refused to accept from the Company this proposed interest, though he was willing to accept it from the Government on account—which, of course, the latter declined.

The subsidy hitherto granted to the Company was 79,000,000 reis, or upwards of 16,000 *l.* per annum, thus divided:—

					<i>Reis.</i>
African line	-	-	-	-	58,000,000
Azores line	-	-	-	-	11,400,000
Algarve line	-	-	-	-	9,600,000

But in the last Session the Government was authorised to grant an annual subsidy of 160 contos, or upwards of 35,000 *l.*, to any company capable of undertaking the lines in question; and though the Mercantile Union Company was not mentioned specifically, yet there is no doubt that Company regards the Act in question as increasing their former subsidy to the higher amount.

In conclusion, I may observe that I cannot, and do not, suppose that the Portuguese Government ever contemplated inflicting any injury on the shareholders. All their interest lay in the prosperity and maintenance of the Company; but, by their very negligent supervision, they allowed the Directors to proceed in a manner which Mr. Lindsay declares has seriously injured the British shareholders, while the Company is indebted to the Government in considerably more than 100,000 *l.*

After writing the above statement, I find that the official journal of this day has published a long article on Mr. Lindsay's claims, together with the legal opinions of the Law Officers of the Crown on this case.

The latter have been already transmitted to your Lordship, and I now enclose a translation of the article itself.

I have, &c.

(signed) *Arthur C. Magenis.*

The Right Honourable Earl Russell, K.G.

Enclosure in No. 38.

(Translation.)

(From the Non-Official part of the "Diário de Lisboa," the Official Journal, of 18 August 1862.)

THE LINDSAY QUESTION.

SEVERAL newspapers have reported the question put to the British Government in the House of Commons, with respect to the claims brought forward by a few British subjects, shareholders in the "União Mercantil" Company, against the Portuguese Government, under the persuasion that the latter was bound to restore unto them the capital with which they had taken part in that undertaking, inasmuch as the results derived from it had been unfavourable to their interests.

That the Portuguese Government is not in the slightest degree, either morally or legally, responsible for the non-success of the undertaking (which is altogether a Portuguese one, and has renounced any right it might have had to international protection), is fully shown even to satiety by the documents which we publish below. These documents are the opinions given by the Counsellors, the Attorney General to the Crown, the Solicitor General to the Treasury, and the Assistant Attorney General to the Crown in the Department of Public Works, on a Memorial of Complaints and Claims, which the said British shareholders submitted to the Portuguese Government, through the Department of Public Works, in September 1862, and which they afterwards published in print, and which they caused to be circulated in January of this year.

The publication of the Memorial, and what occurred in the British Parliament, render now necessary the publication of the Portuguese documents, in order that the public may know that the Government does not deny, as it never has done, its moral and legal obligations; and that if the claims of the British shareholders are not satisfied, they ought to ascribe this to their own acts or negligence, and not to the Portuguese Government, which, from the very nature of its functions and attributes, is utterly unconcerned in the success or failure of commercial companies or anonymous societies such as the "União Mercantil."

However, as the terms in which the question was put and answered in the British Parliament have been essentially altered, and are at variance with the truth of the facts, and as the course of reasoning there pursued and the conclusions drawn from it are void of foundation, inasmuch as things took place in another manner, we now make, by means of the numerous proofs which we have before us, the corrections which those mistakes call for, in order that the honour and dignity of the Portuguese Government may, as it deserves, remain intact.

There are no grounds for what is stated, that the shareholders and claimants only entered into the undertaking after they had been induced to do so by the Portuguese Government; and after the latter had guaranteed to them a minimum of interest on their capital, as well as the appointment of agents or commissioners on the part of the Government to control the management of the undertaking.

In this dates have been altered, and the reasoning is deceptive. If the Portuguese Government wished the undertaking to be organised, and made unofficial solicitations for this purpose, it made use of a right which it possessed, which did no harm to anyone, and which would not have met with any result had not the founders of and the subscribers to the undertaking (the British claimants) subsequently come and studiously submitted formal proposals for that purpose to the Government. Then it was that the mutual rights and obligations inserted in the contracts were defined and agreed upon. There are no other guarantees beyond those stipulated therein by both parties, and it does not appear from the same that the Government guaranteed the capital of the shareholders.

The guarantee of a minimum of interest was only granted to the undertaking two years after its foundation, and even then as an equitable mode of saving it from the crisis which threatened it (30th of March 1861); and the appointment of Government agents to watch over the management of the Company was a right which the Government reserved to itself, and not a duty agreed to by it in the contracts; and it was a long while after the primitive contract had been entered into that the aforesaid appointment was made, rather with the view of watching over the compliance of the engagements made by the undertaking to the Government than for the purpose of influencing or interfering (which the Government was forbidden to do) in the relations and rights of the shareholders towards the managers of the Company.

Those relations and rights were regulated by the Statutes, and the Government could only take cognisance of the want of harmony in the same on the claim of any of the interested parties. It was this which it afterwards did, when the Memorial abovementioned was presented by the British claimants, which was the cause of an inquiry being instituted, the result of which will be that justice will be done to those who may be entitled to it, the administration of which has already commenced, and will be a proof at all times and to all persons of the prudence and wisdom with which the Government acts.

If the British claimants charge the managers of the Company with an extravagant expenditure—with remunerating the Directors, convoking illusory general meetings, and altering the votes given in general meetings, why did they tolerate all this up to September 1862, and not endeavour to put a stop to it by means of the (special) right which the claimants possessed, of having for one of the Directors a member of their own choice and appointment—a right of which they either never made use, or of which at least they

never fully availed themselves? Why did they not make use of this special and direct means of exercising a daily control over the acts of the undertaking; and, if this were not sufficient, why not have recourse to the Portuguese Government as soon as they had the first motive for complaint, which they only did in the fifth year of the existence of the Company?

It was the claiming shareholders themselves who neglected the right, which they had obtained in 1858, of being specially represented in the Direction; who did not watch over their own interests as they ought to have done; who did not call for general meetings; who did not appeal from them to the Government, and who only made a complaint at the end of 1862, not to demand the only legal satisfaction which the Government could give them, but to claim the restitution of the capital with which they had entered into the undertaking; and if their capital was in danger of being lost, it was to their own acts and negligence that they ought chiefly to ascribe the fact.

There are no grounds for what is said, that the losses of the British subjects were caused by the acts of the Portuguese Government. To these acts it is that they are indebted for their not having lost, a long time ago (since 1861 at least), both *de facto* and legally, the whole capital of their shares, as would have happened in the event of the bankruptcy, which was then impending over the undertaking. If the State guaranteed a loan made by the Company, it was for the purpose of relieving it from not over-complacent creditors, and sparing both the country and the undertaking the consequences of its bankruptcy and unlucky liquidation. Had it not acted thus, where would the undertaking have been two years ago; where would the British subscribers of London have been, who now complain and bring forward claims grounded upon the favours they had received; and where would the British subscribers of other places have been, who are endowed with more sense, who complain of nothing, and do not claim anything from the Portuguese Government, and who only ascribe their commercial misfortunes to the empire of circumstances, which, independently of the will of anybody, have been unfavourable to them?

There cannot possibly be any claim on the part of any shareholder in the Company "União Mercantil," either native or foreign, against the Portuguese Government; because, in the contract, the foreign shareholders gave up their capacity as such, and were considered as natives. What is the meaning, therefore, of the outcry raised by a few British subjects in a foreign tribunal? What is meant by altering the truth, and thus endeavouring to fix upon the Portuguese Government a responsibility which does not belong to it, and an animosity by which it was never moved, and with which it can hardly be charged; inasmuch as it has lately obtained from the Legislative Body, for the purpose of saving the lines of navigation granted to the Company "União Mercantil," a vote for a great increase of the subsidy for the same, together with the possibility of the new subvention being granted to the same Company, should it succeed in carrying out its reorganization under such conditions as may with justice entitle it to the advantages proffered by the new law?

If anybody has acted wrongly in all this, it is not the Portuguese Government, who have complied with their own engagements, who have already paid the guaranteed interest due for one year (of which the British claimants alone refused to receive their share, which is still kept in deposit), who are preparing the payment of that same interest due for another year, and who, in fine, have rendered and will render justice to everything and to all, in due conformity with equity.

After these few and indispensable considerations, the following documents will be a clear and conclusive answer to all possible claims and questions which may be grounded, like those of which we have been treating, upon arguments so devoid of plausibility.

[N. B.—Here follow the three opinions of the Portuguese Law Officers to the Crown, which were enclosed in copy and translation in Sir A. Magenis' of 24th March 1863].

— No. 39. —

COPY of LETTER from Mr. Lindsay, M.P., to the Right Hon. Earl Russell.

My Lord,

8, Austin Friars, City, 2 September 1863.

IN December last the Portuguese Government appointed a Committee of its own officers to inquire into the affairs of the Royal Union Mercantile Company, and into the claims of those British subjects about which I have so often been obliged to trouble your Lordship. Though I wished the Committee to be more impartially constituted, I nevertheless offered to give evidence before it, not merely as a large claimant, but as much the largest holder of stock in the Company. But the Committee either could not at the time receive my evidence, or did not consider it necessary, and therefore I am less interested in their report (which I understand was made in March last) than I might otherwise have been. I still, however, expected to be furnished with a copy of it; but as the application of my agent to obtain one has failed, might I ask your Lordship to request Sir Arthur Magenis to see if he can obtain a copy. Your Lordship will, no doubt, consider

consider it desirable that that Report should appear with the Papers which, with the permission of Her Majesty's Government, have been ordered by the House of Commons to be printed.

As there appears, by a letter which I have just received from my agent at Lisbon, to be now some disposition on the part of the Portuguese Government and the Company to settle amicably those long-pending claims, might I further ask your Lordship to advise Her Majesty's Minister at Lisbon that, though I feel I have been greatly wronged, I am as ready now as I have been from the first to meet the Government of Portugal and the Company in all that is reasonable and just. Indeed, I am most anxious to avoid the necessity of adopting any measures likely to prejudice the credit of Portugal, or lead to any misunderstanding between the two countries. I am, therefore, prepared to leave the whole question either to arbitration, or to consider, with the desire to settle, whatever equitable proposals may be made to me, or to meet any person they may name in this country to adjust those claims.

I am, &c.
(signed) *W. S. Lindsay.*

The Right Honourable Earl Russell,
Her Majesty's Secretary of State for Foreign Affairs.

— No. 40. —

COPY of LETTER from Mr. *Layard* to Mr. *Lindsay*, M.P.

Sir,

Foreign Office, 7 September 1863.

I AM directed by Lord Russell to acknowledge the receipt of your letter of the 2d instant, requesting that Her Majesty's Minister in Lisbon should be desired to state that you are prepared to submit your claims to arbitration, or to consider any fair proposals that may be made to you for their settlement; and I am, in reply, to suggest that it would be better that such overtures should come from yourself.

To Mr. W. S. Lindsay,
8, Austin Friars, City.

I have, &c.
(signed) *A. H. Layard.*

— No. 41. —

COPY of LETTER from Mr. *Lindsay*, M.P., to the Right Hon. Earl *Russell*.

My Lord,

8, Austin Friars, City, 30 September 1863.

RESPECTING my claims and those of other English subjects against the Government of Portugal and the Royal Mercantile Company of Lisbon, to which your Lordship has been pleased to pay marked attention, I may state, for your Lordship's information, that a communication has just been made by the Managing Director of the Company, expressing a desire and (as I learn by the letter of my Lisbon correspondent) a wish on the part of the Government that these long-pending claims may now be amicably settled. From the very outset I have endeavoured, but in vain, to come to a just and amicable settlement. With that object in view I have, at great inconvenience, repeatedly visited Lisbon, and generally returned to England no further advanced than when I left. Every conceivable excuse for delay has always been raised, and every form of procrastination adopted. At last I was driven, in despair of any amicable settlement, to seek justice in the Portuguese courts of law.

The laws of that country appeared to be similar to our own, but I found by experience, and to my cost, that the execution of them was very different. I have exhausted all the courts, and got more than enough of their law, but, I regret to say, no justice, for the decisions of their judges have overruled all agreements and bonds, and been, in fact, alike an outrage of justice and common sense.

Last winter I spent nearly three months in Lisbon, endeavouring to effect an amicable settlement, but between the Duke of Loulé, who seldom answered Her Majesty's Minister's letters in less than a fortnight or three weeks, and the

constant shuffling and prevarication of the "Directors," who would neither say aye or no to arbitration or to anything else, I got nothing done.

The letter now received from the Manager of the Company (of which I enclose copy) contains conditions, though vague, which I might be disposed to accept, if I could have some pledge from the Government of Portugal that the interest they have guaranteed by the Acts of their Legislature would in future be paid, and that the conditions of any agreement, subject to their approval, I might enter into with the Directors of the Company (in which they have in various ways so much interest) would be honestly fulfilled.

But unless I have some pledge that they really desire to settle amicably and equitably, that they will enter into the matter with that spirit on my arrival in Lisbon, and that if the larger portion of my capital is left in the undertaking, as they desire, that it shall not be dealt with as it has hitherto been, I feel it would be a mere waste of time to again visit Portugal as they request.

Might I, under these circumstances, venture to ask your Lordship to forward a copy of this letter to Her Majesty's Minister at Lisbon, and ask him to advise your Lordship (I hope by telegram, as time is now of importance) if he thinks I can now get these claims promptly and equitably settled. If he is of that opinion I shall put aside all other engagements, and leave by the first steamer for Lisbon, for I am anxious to avoid, if possible, the publication of the correspondence ordered by the House of Commons, which would injure the credit of Portugal (and, consequently, many innocent persons), especially at the present moment, when I understand the Government of that country is about to seek another loan of 3,000,000 £. in this market.

In seeking justice for myself and those who are associated with me, I have always endeavoured to avoid any course which might inflict injury upon others, and I desire to follow the same course to the end; but my determination to adhere to it has, in the course of the last three years, been often put to the test by the Government of Portugal and the Directors of that Company which they created with our capital.

I am, &c.

(signed) *W. S. Lindsay.*

The Right Honourable Earl Russell,
Her Majesty's Secretary of State for Foreign Affairs.

Enclosure in No. 41.

Dear Sir,

Lisbon, 22 September 1863.

In consequence of the conversations we have had as to the means by which the Union Mercantile Company could enter into an arrangement with Mr. W. S. Lindsay, and thereby terminate the legal questions now pending, in order that Mr. Lindsay should be in a position to co-operate with the Board as to the means to be adopted for the reorganization of the Company, it is my individual opinion that the adoption of the following points might bring about this desirable result:—

1st. That Mr. Lindsay should receive his guaranteed interest of the last year, ending the 31st March 1862, and now in deposit, and also that of this year, ending 31st March 1863.

2d. That all the legal proceedings, accounts, &c. be put a stop to, and be settled by an amicable and equitable arrangement, and whatever sum might be liquidated be settled by Mr. Lindsay in shares at their nominal value.

3d. That Mr. Lindsay be paid the amount of his debentures, either by the proceeds of the new shares about to be issued or by the cash of the Company, which can easily be effected, on account of the increase of the subsidy.

4th. That the Statutes of the Company be reformed and remodelled in such a way that Mr. Lindsay can always be represented at the Board as long as he remains a shareholder.

5th. That these bases may be altered or modified, as may be shown convenient at the time of being discussed; but for this it is necessary that Mr. Lindsay (if convenient) should come to Lisbon, or name any person he should think proper, to treat upon this matter, which, if concluded, would not only be mutually advantageous, but would greatly facilitate the reorganization of Company.

Having nothing further to communicate,

I remain, &c.

Edward F. Pinto Basto, Lisbon.

(signed) *C. de F. Alren.*

— No. 42. —

COPY of DESPATCH from the Right Hon. Earl Russell to Sir A. C. Magenis.

Sir,

Foreign Office, 2 October 1863.

I TRANSMIT to you copies of a letter and its enclosure from Mr. Lindsay, showing that certain proposals have been made to him by the Managing Director of the "Union Mercantile Company" for the settlement of his claims, and stating the conditions upon which he is willing to entertain them.

I have to inform you that I am prepared so far to comply with Mr. Lindsay's wishes as to authorise you, if you think proper to do so, to give your personal opinion, for communication to Mr. Lindsay, on the point stated—namely, whether he can now get his claims promptly and equitably settled. Mr. Lindsay will, however, be informed that neither you nor Her Majesty's Government are to be held in any way responsible if the result should not coincide with the opinion you may express.

But you will not take any official step in the matter with the view of ascertaining whether the Government of Portugal are prepared to give a pledge that the guaranteed interest would in future be paid to Mr. Lindsay, or that the conditions of any agreement, subject to their approval, which Mr. Lindsay might enter into with the Directors of the Company would be fulfilled.

(signed) Russell.

To Sir A. C. Magenis.

— No. 43. —

COPY of LETTER from Mr. Lindsay, M.P., to the Right Hon. Earl Russell.

My Lord,

8, Austin Friars, City, 16 June 1864.

WHEN I addressed your Lordship on the 6th October last I was under the impression, from the advices I received, that I would not again require to trouble you on the subject of the Portuguese claims.

In accordance with the invitation I received from the directors of the Union Mercantile Company, forwarded to me by the request of the Government of Portugal, I proceeded to Lisbon, and spent the greater portion of the month of November at that place.

What then took place is explained in a letter I addressed to Sir Arthur Magenis, on the 26th November, copy of which I send herewith. Finding it impossible to effect any arrangement with the directors of the above Company, I had various interviews with His Excellency the Duke of Loulé, and other members of the Portuguese Government, when arrangements were entered into which I understood would be satisfactory to the Government of Portugal, and which met the approval of the English holders of the stock guaranteed by that Government. I accordingly came back to this country to complete these arrangements, and returned to Lisbon in January of the present year, with models and specifications for the new line of steamships, to which our stock was to be transferred, and thus our claims were to be finally settled.

But on my arrival I found matters in much the same state as when I left in November, and the result of my second visit will be found described in a letter I addressed to Sir A. Magenis, on the 27th January; copy herewith.

Though the delay was very great, I nevertheless felt, after having been sent for, and after the repeated pledges of the Duke of Loulé, that these claims would be "amicably arranged," that all would be settled. I have, however, been grievously disappointed. Within the last week I have been advised that, without any communication with the English shareholders, the Portuguese Government has ordered the Union Mercantile Company to be wound up, and fresh arrangements entered into for the future conduct of the mail service, without making any provision whatever for the security of the guaranteed stock of the English shareholders, or the settlement of their claims. In fact, ignoring them altogether.

As every effort has now failed to obtain a friendly settlement of these long

September 30.

pending claims, I trust your Lordship may be pleased to instruct Sir Arthur Magenis to request, officially, the repayment of the money we invested by the request of the Minister of Commerce, and under the guarantee of the Portuguese Government, with interest from the 31st March 1863 (when it was last paid) to the date of settlement. If this request is officially made, I am informed that the matter will at once be settled. If not, I have too much reason to fear that not one sixpence of the capital we thus invested will ever be repaid.

I am, &c.

(signed) *W. S. Lindsay.*

The Right Honourable the Earl Russell,
&c. &c. &c.

Enclosure 1, in No. 43.

My dear Sir Arthur,

Lisbon, Bragança Hotel, 26 Nov. 1863.

ABOUT the end of September last I received in London, from the managing director of the Royal Union Mercantile Steam Navigation Company of Lisbon, a somewhat indefinite proposal, dated 22d of that month, for an "amicable settlement" of my claims and those of the other shareholders in England against the above Company and the Government of Portugal. A copy of this document I at once forwarded to Earl Russell, expressing my readiness to settle these long pending claims on the basis proposed. His Lordship, I believe, forwarded a copy of my letter to him to you with a request that you would see his Excellency the Duke of Loulé, and ascertain from him if the proposal named by the Company met the approval of the Government of Portugal, and if the Government would assist in carrying it into effect. On the 22d October last I received a telegram from my agent here, which I am informed was drawn out by you, and approved by the Duke of Loulé, to the effect that you had seen his Excellency, who informed you that if I would suspend my claims against the Government of Portugal, the Government would use its best endeavours to see any arrangements carried out which might be entered into between the Company and the English shareholders. In reply to that communication, I at once telegraphed that I would suspend the claims against the Government, if the debentures and the overdue interest were paid, and if the Portuguese Government agreed to see the proposal made by the Company carried into effect, I would visit Lisbon as requested. This telegram was also brought by my agent under the notice of his Excellency the Duke of Loulé, and on the 23d October last my agent telegraphed to me confirming the telegram of the 22d, and adding that if I came here "all would be satisfactorily settled." Accordingly at very great inconvenience I left London on the 9th instant, accompanied by two English shareholders in the Company. We arrived here on the 13th, and on the following morning we had an interview with the managing director and secretary to the Company. After what has already come under your notice, you may not be surprised to hear that M. Alren, the managing director, expressed great regret that my claims had not long since been settled: gave it as his opinion, and that of the Company he represented, that the debentures were clearly due and must be paid, and volunteered the information that the pleas set up by the Company against the payment of these claims were subterfuges to obtain delay, and that consequently the decisions of the various courts of law against me and in favour of the Company were manifestly as unjust as they were absurd. I heard these admissions, meant, no doubt, to smooth the way for the "amicable settlement," with feelings which I cannot well describe, making no remark, however, beyond stating that I was desirous to avoid all discussions in regard to the past, and that my anxious wish was to have my claims settled, if possible, on the conditions and in the friendly spirit he, on the part of the Company, had proposed. With that object, and on the distinct understanding that I and the other English shareholders were at once to receive our guaranteed interest without prejudice, and as a preliminary to any discussion as to the above proposal, it was agreed that we should attend at the office of the Company on the 16th instant, when the directors would be present, and that we should inspect the books, and discuss in detail the proposal of the Company. We did attend, but before many minutes had elapsed it became apparent that the object the directors had in view was not so much the settlement of our claims as the advancement of their own interests to our prejudice, as I will presently show you. On entering the office the document (of which I enclose copy) was, by way, it appears to me, of intimidation, placed in our hands. It is entirely different to the proposal sent to me; the first clause of that proposal being, on the faith of which we came here, that we should receive our "guaranteed interest." To this, however, though we agreed to a letter prepared by the Company's own solicitor, we could not procure the signature of the president, Mr. Medicott, or of any of the directors. They all declined to sign this letter until we had agreed to everything else (of which we then knew little or nothing) that was proposed by them, whether we considered it prudent or not as regarded our own interests, fair towards the Government of Portugal, or to those who might embark capital in the Company thus reorganised. This seemed so absurd and unreasonable that we of course declined to do so, and the meeting was accordingly dissolved.

From a perusal of the documents then and since handed to me, it appears that the Government of Portugal are anxious to maintain the postal communication with its colonies, and that they have recently passed a law offering a subsidy to any person or company willing to perform that service, in a manner satisfactory to the Government, stipulating, how-

ever, that the Union Mercantile Steam Navigation Company would not be allowed to tender for the subsidy until the claims of the English shareholders were settled, and unless the Company agreed to a thorough re-organization of its affairs (which, of course, involved a considerable increase of capital) and also refunded all sums of money which the directors had improperly taken from the coffers of the Company. Pending my arrival here, the directors had prepared a scheme for re-organisation, which had been carefully printed, signed by the Portuguese shareholders, and delivered to the Government of Portugal, a translation of which they presented to me at the office of the Company. On a perusal of this document, it is clear to me that the sole object the directors had in inviting me to Lisbon was to join them in inducing the Government to accept this scheme, without any definite reference to the payment of the interest or debentures, which were the first conditions of their own proposal. Setting, however, these questions aside, the scheme was of such a nature that as a man of business, and as a matter of honour to the Government of Portugal, I could not be a party to it. Wilful representations were made as to the losses the Company had sustained, and as to the capital of the Company. For instance, in the capital account, a small and useless steamer called the "Tejo," which one of the directors had sold to the Company, was valued at 8,000 £, whereas she was not worth 1,000 £, and has been lying in the Tagus utterly unfit for service ever since the Company purchased her, three or four years ago. This account, on which the scheme was based, further set forth the "Don Pedro" as being worth 36,000 £, whereas the Company purchased her from me more than five years ago, when she was comparatively new, for 30,000 £, and for which to this day they have not paid me, and in respect of which the bills handed to me were dishonoured at maturity. Many other statements and calculations in their scheme are equally fallacious and untrue, and though the directors attempted to induce me to become a party to it by agreeing to pay at some indefinite period the value of my debentures out of the proposed new subsidy they hoped to get from the Government, and to do so without making any deduction for the counter claims, which they admitted were unjust. I frankly told them that I would not be a party to such a disgraceful, and at the same time, silly attempt to deceive, and, I must add, to defraud their own Government. In this course my colleagues, who accompanied me to the meeting, concurred. The directors also utterly failed, though pressed on the point, to furnish the name of a single capitalist who was ready to provide the means necessary to carry out the proposed scheme for re-organisation. They talked of a "gentleman in France," and "a party in Italy," who were ready to find the capital, but they would not, I may say could not, furnish their names. Our only course, therefore, was to take our leave, with feelings of regret that we had been asked to visit Portugal solely to aid the furtherance of a scheme as impracticable, and as absurd as it was disreputable. On the following day, through your kind offices, I had a meeting with the Duke of Loulé, accompanied by my agent, Mr. Edward Pinto Basto, as interpreter, when I reminded his Excellency that the English shareholders had to a very great extent invested their capital in the Union Mercantile Company, on the written representations made to them by his predecessor in office, Senhor Carlos Beutos, the then Minister of Public Works, that the stipulations agreed upon had not been fulfilled, and that the interest guaranteed by Act of Cortes upon our stock had not been paid. I, however, avoided saying one word as to the course Earl Russell had adopted, or what he might do, neither did I make any reference to the order of Parliament that the correspondence relating to the claims of the English shareholders against the Government and the Company should forthwith be laid on the table of the House of Commons, feeling that as a private individual it would ill become me to do so. But I stated fully what had taken place between the directors of the Company and myself and colleagues at the meeting to which I have just referred, and my opinion of the scheme they had proposed, adding, in conclusion, that I saw no way out of the difficulty except to take into my own hands, in connection with two or three capitalists in London, the formation of an entire new Company, on the terms of the Act of Cortes of the 13th July last.

His Excellency received me very graciously, listened with much attention to my remarks, and at once decided that M. Palha, of the Public Works, should on the following day meet me to examine and consider my proposals.

On the 17th my colleagues and I met M. Palha and Mr. Avelino, the Law Officer of the Crown, when we discussed very fully the various questions at issue, and the proposals I had made. The result of our interview was a letter which, at M. Palha's suggestion, I addressed to his Excellency the Duke of Loulé, of which I enclose a copy herewith. In it you will find the proposals I have made, and though you may be of opinion that I am about to incur a risk, and undertake considerable responsibility, I, nevertheless, am prepared to incur that risk, so as to be relieved from any further connexion with men who have done me so much wrong; and I am not without hope that under wise and prudent management, I may thus be enabled in time to place my own and other English shareholders' interests that have been confided to me on a fair and proper footing.

After another interview which I had with his Excellency the Duke of Loulé, and daily meetings with M. Palha and M. Avelino, the only result has been the payment of the interest upon our stock up to the 31st March last. This has been received on the written condition that our claims against the Government for our stock are not prejudiced, and, on the other hand, that the Government does not thereby acknowledge its liability in respect thereof.

As to the debentures, the Government admitted that they are a first charge on the assets of the Company, and have offered to pay them within six months, but without

relieving us from the claims which the Company have made against us, and on the condition that we surrender all our claims against the Portuguese Government for our 37,000 *l.* stock.

However, anxious to settle these long pending claims in a liberal spirit, I felt this proposal to be so unreasonable that I really could not entertain it; but I yesterday addressed a letter to the Duke of Loulé, with further concessions (of which I enclose copy) in the hope that his Excellency might be thus induced to meet me in the spirit I had been led to anticipate by the letters and telegrams which brought me here. In reply thereto I have this morning received a letter, of which I also enclose copy.

The Brazilian packet has now arrived, and as she will probably sail this evening I have no time to write; but before I embarke I shall call upon Mr. Palho, and inform him that if the Government cannot admit any condition which implies a legal claim against them, I am ready to waive it, provided they acknowledge an equitable or moral claim; and as we, through favour, expressed in the letters of M. Carlos Beutos, invested our capital and thereby opened out the postal communication to their colonies, would they, out of favour to us, give us a chance to recover that capital by the thorough re-organization of the Company, or grant to us the concessions for a new undertaking, on the conditions they have named. If the Government is disposed to entertain the above, I will again, if necessary, visit Lisbon by the packet of the 9th January.

Allow me to thank you for the interest and trouble you have taken in this matter.

To his Excellency Sir A. Mageniz,
&c. &c. &c.

I remain, &c.
(signed) *W. S. Lindsay.*

Enclosure 2, in No. 43.

My dear Sir Arthur,

Bragança Hotel, Lisbon, 27 January 1864.

IN my letter to you of the 26th November last, I stated that, with the approval of his Excellency the Duke of Loulé was returning to London to complete my arrangements for undertaking the mail service between this country and its colonies, solely with the view of thus amicably adjusting, if possible, my long pending claims against the Portuguese Government. In accordance with previous arrangements, I returned here on the 13th instant with powers to close, and with models and specifications of the ships for the new undertaking, which I had prepared at considerable trouble and expense.

I was given to understand that when I returned here the Government would be prepared to treat with me; but on my arrival I found, with surprise and regret, that matters remained the same as when I left in November; the Government was not prepared to give any definite answer to my proposals. Day by day I have, since my arrival here, attended at the office of Public Works, and it was only yesterday afternoon that M. Palho informed me, when I called, that the minister had requested him to say, that as he had given the directors of the Union Mercantile Company till the end of February to see if they could raise the capital necessary for the re-organisation of the Company, he was not in a position to entertain the offers I had made, and that therefore there was no necessity for me to see him again. M. Palho added, that he expected other persons would offer for the conveyance of the mails if the existing Company failed to raise the requisite capital. It is, therefore, useless for me to remain any longer here, and I return to England by the Brazilian packet now due.

Frustrated in every attempt to secure the capital invested here at the request of the Minister of Commerce six years ago, by unjust decisions in their courts of law, and by other means I need not here repeat, and at last invited to this city to arrange an "amicable settlement," I have been equally baffled in all my efforts to do so; and it would appear that the greater the anxiety I displayed to settle in a liberal and friendly spirit, the less have the ministers and their subordinates been disposed to listen to my claims, or to my appeals for justice.

In regard to the conduct of the directors of the Union Mercantile Company, who invited me here in November "to amicably adjust my claims," they seem to have resolved upon measures the very reverse of what they professed, for yesterday they summoned me for the amount of some accounts they had recently made up against me, and passed to my debit without my consent, and even without my knowledge. I enclose copy of the summons. And not satisfied with the adoption of a measure alike unfriendly and unjust, they also yesterday served me with a notice, copy of which I also enclose, whereby I am summoned to show cause why they should not confiscate 6,400 *l.*, or thereabouts, of the 25,000 *l.* stock in shares belonging to me in the Company.

When yesterday afternoon I brought this extraordinary document under the notice of M. Palho (to whom the minister refers all my affairs), I learned with surprise from him that the directors had informed the Government that they intended to serve me with this notice, and, as I understood, no one else, so as to test the question whether they could or could not legally confiscate my stock. It, therefore, appears that I am, with the approval of the Government, to be dragged into another lawsuit, for, I suppose, if I do not defend it, judgment will be given against me in default. On consulting my lawyer here, he at once told me what he conceived the result would be. He said, "the course the Company is adopting against you is alike illegal and unjust, and I shall protest, in your name, against it; but I need

need not do anything more, for the courts will decide in favour of the Company, and against you, as they have done, on all the other trials."

I enclose, for your information, the letters I have this time addressed, since my arrival, to the Minister of Commerce. To these I have had no written answers, and the verbal answers have, till yesterday, perhaps necessarily so, been very evasive.

To day I had a meeting alone with his Excellency the Duke of Loulé; he received me with much courtesy. I explained to him all that had taken place. I told him the substance of the letter I have just addressed to the Minister of Commerce. I expressed to him my feelings of the manner in which I had been treated by the Directors of the Union Mercantile Company, and that it was impossible for me to have any further transactions with such men, with which he fully coincided. I did not hesitate to say that I had not received justice in the courts of law. I told him about the summonses which had just been served upon me, at which he expressed surprise. And I concluded by saying, that though I had suffered much I was still ready to make many concessions, and incur even fresh responsibility as a means of settling the unhappy differences which had arisen, and which I felt never would have arisen had I been from the first in direct communication with his Excellency. My meeting with the Duke has, therefore, been a satisfactory one; the more so, because it was frank and open on both sides; and on parting, he said that all would be amicably settled, or rather, to use his own words (for his English, though not good, is better than my French), "I shall make it all right."

I sincerely trust it may be so.

To his Excellency Sir A. Magenis, K.C.B.,
&c. &c. &c.

I am, &c.
(signed) W. S. Lindsay.

— No. 44. —

COPY of DESPATCH from Sir A. C. Magenis to the Right Hon. Earl Russell.

My Lord,

Lisbon, 18 June 1864.

I HAVE the honour to enclose herewith, to your Lordship, in printed copy, together with a translation, a Royal Decree, withdrawing the Royal sanction to the statutes of the Mercantile Union ("União Mercantil") Company, and which appeared in the "Diario de Lisboa" of the 25th ultimo.

Copy.
Translation.

I have, &c.
(signed) Arthur C. Magenis.

The Right Hon. the Earl Russell, K.G.,
&c. &c. &c.

Enclosure in No. 44.

(Translation.)

From the Official Journal "Diario de Lisboa," of 2 June 1864.

CONSIDERING that the Company which entered into the engagement of establishing a regular line of steamers between Lisbon, the Azores, the Algarve, and the West Coast of Africa, in virtue of the contracts of 5th May 1858, of 12th April 1860, and of 5th January 1861, formed itself into an anonymous society, named the "União Mercantil" Company, in accordance with the statutes, which were approved by the Decree of 14th May 1858:

Considering that it was stipulated in the 5th article of the aforesaid statutes, that the capital of the Company should be of 450,000,000 reis (100,000 L.), represented by 5,000 shares of 90,000 reis (20 L.) each, and that this article was subsequently altered, by raising the capital to 900,000,000 reis (200,000 L.), represented by 10,000 shares of the same amount, which alteration was approved by a decree of 23d May 1859:

Considering that, in the decree of the 28th of September 1859, permission was granted to the Company to issue debentures to bearer of 450,000 reis (100 L.) each, bearing 6 per cent. interest, and with an annual redemption of 12 per cent:

Considering that, in order to facilitate the issue of shares, a minimum of interest at the rate of 6 per cent. was guaranteed to the Company by the law of 30th March 1861, and that this guarantee was raised to 7 per cent. by the law of 10th September 1861:

Considering that out of the 10,000 shares representing the social fund of the Company, the latter has never been able to issue more than 4,002, amounting to 360,180,000 reis (80,040 L.), which is less than the amount of capital which was originally fixed:

Considering that the Company issued 161 debentures, amounting to 72,450,000 reis (16,100 L.), for the payment of a part of the cost of their steamers:

Considering that this want of real or paid up capital has been the cause of the abnormal existence of the Company, it having been compelled,—

1stly. To have recourse to credit, by raising considerable sums in the "Bank of Portugal," in the "Mercantile," and in the "Commercial" Banks, and in the "Public Utility" Company, under the responsibility and personal guarantee of some of the Directors.

2dly. To solicit a considerable amount of pecuniary assistance from the Government, receiving a loan of 450,000,000 reis (100,000 *l.*), by the contract of 24th October 1861, and other extraordinary supplies, amounting to more than 200,000,000 reis (44,444 *l.*).

3dly. To request the Government, at one time, to take the rest of the shares, in order to make up the full amount of capital; and at another to increase the subsidy, without which the Company could not exist, and would be obliged to liquidate.

Considering that the want of capital was also the cause of the Company not having been able to employ more than one steamer on the line to the Algarve, whereas, in virtue of the 2d article of the law of 30th March 1861, it was bound to employ two; and also, of its not having been able to perform on the African line, ever since 1860, 12 regular voyages out and home, as required by the 13th condition of the contract, of the 5th of May 1858:

Considering that the accounts of the Company in the years 1861 to 1862, and 1862 to 1863, showed a deficit; and that, in consequence, the Government was obliged to pay the minimum of interest as guaranteed by the laws of the 30th of March, and of the 10th of September 1861:

Considering that the Company not only did not realise the capital required by the statutes, but also did not succeed in raising it, by means of the late subscription, to the sum of 1,350,000,000 reis (300,000 *l.*), for the purpose of effecting its re-organisation under such conditions as might render the law of 13th July 1863 applicable to it.

Considering that the result of that subscription is still more worthy of remark, when we take into account that, in virtue of the said law of July 13th, the amount of subsidy is fixed at 160,000,000 reis (35,555 *l.*), an interest of 6 per cent. is guaranteed to the shareholders, and that, in case the Company should be re-organised, the Government would be the largest shareholder in the same:

Considering that capital is absolutely indispensable to enable the Company to fulfil its engagements:

Considering that, in all anonymous societies, capital is the only real and effective guarantee for the public interests, which the law has intrusted to the supreme guardianship of the Government:

Considering that the Government has exhausted all means of protection, assistance, and condescension, and ought no longer to authorise the existence of an anonymous society, which does not possess the first and essential condition required for its legal existence:

I am pleased to withdraw the Royal approval of the Statutes of the “União Mercantil” Company, as set forth in the Decrees of 14th May 1858, of 28th September 1859, and of 23d May 1860; and the same Company shall only continue to exist as an anonymous society, in order to carry out such acts as may be indispensable for the liquidation of the same, in accordance with its social compact, and with the laws of the kingdom.

The Minister and Secretary of State for the Department of Public Works, Commerce, and Industry shall thus understand it, and cause it to be put into execution.

At the Palace, on the 25th of May 1864.

(signed) *The King.*

(countersigned) *João Chrysostomode Abreu e Souza.*

— No. 45. —

COPY of LETTER from Mr. *Lindsay*, M.P., to the Right Hon. Earl *Russell*.

My Lord,

8 Austin Friars, City, 20 July 1864.

ON the 15th ultimo I advised your Lordship that all hopes of an amicable adjustment of my claims on the Portuguese Government were at an end. I consequently placed the papers connected with these claims before Dr. Travers Twiss, who, I was informed, is one of our leading authorities on International Law, for his opinion. Dr. Twiss has evidently given great attention to the case, and I forward herewith, for your Lordship's consideration, the papers which were laid before him, and his opinion, which not merely confirms the opinion given by the five Portuguese Counsel, but gives his reasons why the Portuguese Government are legally responsible to the English claimants.

I am, &c.

(signed) *W. S. Lindsay.*

The Right Hon. the Earl Russell, K.G.,

&c. &c. &c.

Enclosure 1, in No. 45.

CASE for the Opinion of Dr. *Travers Twiss*.Mr. *W. S. Lindsay* and the Portuguese Government.

CASE.

THE main question for your consideration in this case is whether Mr. Lindsay has any claim against the Portuguese Government, such as to call for the interference of the British Government; and more particularly with reference to the injustice done him by the Courts of Law at Lisbon, in certain proceedings there instituted by him against the Company, in order to enforce payment of debentures which they had issued to him for full value.

The following are the Facts of the Case:—

For many years the Government of Portugal were very anxious to develop the resources of its possessions in Western Africa, and with that object in view granted various privileges to a number of merchants resident at Lisbon, on the conditions that they would run lines of steamers between that port and the above possessions.

Towards the end of 1857 those merchants addressed Mr. *W. S. Lindsay*, of London, with the view of obtaining his aid in carrying out this undertaking, as they found that without some such assistance it was impossible to carry into effect the object they had in view. They represented to him, in substance, that it was to be a Government undertaking. Mr. Lindsay consequently addressed the then Minister of Public Works of Portugal (M. Carlos Bento da Silva), and from him he received various letters, now in his possession, of which the following are translations:—

“ Sir,

“ 8 January 1858.

“ I HAVE not replied to your former letter, on account of a ministerial crisis which has kept me from fulfilling my engagements. Now that the position of things has changed completely, I hasten to reply to what you have written.

“ It is useless for me to tell you that I have used every means to arrange the affairs of the company in the best possible manner. I have even taken upon myself the responsibility of hastening the decision of the affair without its again requiring to pass before the House; it is quite true that I have tried to alter a little the spirit of the other proposition made to Government, but I do not the less wish well to the enterprise. I think the undertaking will be advantageous to those engaged in it, and the modifications which I have lastly proposed are not to be considered as really changing your conditions, but are indispensable for the Government to justify its conduct. There is one, for example, necessary to the Azores line. The law required three ships to perform the voyages, but I think that to fix the number of voyages will give greater regularity of communication; and it is well to fix the number of voyages to be made each month, otherwise 12 or 13 voyages will be made in summer, thus debarring the Isles from a regular communication.

“ Seeing what I have judged of the affair, I think it will be advantageous for the Government, but no less so for those concerned in it; and I shall be glad when you, seeing the justice of the intentions of the Government, will give me, with your friends, the opportunity of concluding the contracts of the African and Azores lines.

“ I am, &c.

“ *W. S. Lindsay, Esq.*(signed) “ *Carlos Bento da Silva.*”

“ Dear Sir,

“ 30 January 1858.

“ I HAVE received yours of 24th ultimo, in reply to which I beg to say that I have seen Messrs. Candido, Abreu, and Tradesso, regarding the approval of the last basis proposed for the establishment of the Steam Navigation Company. I believe that every objection is now removed, and that you will hasten to ratify the contract, and despatch immediately the steamer ‘*Lindsay*,’ at least, which has been ready some time.

“ I believe that the African navigation will be a very good business for all parties, and that the line to the Azores will not injure the company in anything; on the contrary, I expect that the speedy realisation of the contract will now make the same more acceptable to the public, inasmuch as the delay that has hitherto occurred in the formation of the company has given rise to some incredulity.

“ Yours, &c.

“ *W. S. Lindsay, Esq.*(signed) “ *Carlos Bento da Silva.*”

" Sir,

" 28 February 1858.

" I HAVE received your letter of 16th instant. I see with much pleasure that you have agreed with what I wrote to you, and I flatter myself soon to set on foot an undertaking which will prove of so much benefit to the State and the shareholders. I have used every means to get together the members of the Portuguese Direction of the Company, but the illness of some, and also of M. d'Abreu, has prevented my doing so. However, there will be a meeting to-morrow. M. d'Abreu had even a conference with me to-day; he will advise you by to-morrow's packet. It is necessary for you to send an official authority, signed also by Mr. Perez, agreeing to the modifications of which they have sent you a copy. As for the rest of the contract, I have already the necessary documents in the proposition you have made. To-morrow I shall endeavour to make these gentlemen adopt the resolution of considering the Company as formed, seeing we have your adhesion merely waiting that you will make it formal by sending the document of which I have spoken. We shall telegraph to you the result, in order that you may send the 'Lindsay' and, as soon as possible, the steamers for the African service.

" W. S. Lindsay, Esq.

" I have, &c.
(signed) " Carlos Bento da Silva."

" Sir,

" 28 March 1858.

" THE contract and the statutes of the Navigation Company are ready to be signed to-morrow or the day after to-morrow. We will let you know by telegraph of the verification of this fact; and I rely that you will give your orders respecting the ship which ought to commence the voyages for the Azores, and which ought not to be retarded.

" W. S. Lindsay, Esq.

" Yours, &c.
(signed) " Carlos Bento da Silva."

MR. LINDSAY, after receipt of these letters, visited Lisbon, for the first time, and made arrangements so that he might be fully protected before despatching his steamers.

The statutes of the Company, by which it was regulated, and in which clauses for his protection were inserted, were approved, sanctioned, and confirmed by a decree of the Portuguese Government, and it was not until these statutes were so confirmed that Mr. Lindsay despatched the first steamer to commence the undertaking.

The Company was consequently formed under the special directions and with the special protection of the Portuguese Government, and the statutes on the faith of which, and on the representations of the minister, Mr. Lindsay and other British subjects were induced to invest their capital, contained numerous clauses for their protection, the more important of which were as follows:

Article 10. In case of nonpayment of any calls within 30 days from the date fixed, the directors will request payment by advertisement in the principal journals, and write to the party in default, requiring payment within 30 days. Should the latter still neglect to pay, he will lose his right to the shares and the calls he may have already paid. The directors will sell the shares so forfeited by public auction, having given notice 30 days previously, and the purchaser will have the same rights as the original holder.

Article 13. A tenth part of the net profits of the company shall be deducted every year, to form a reserve fund, which is not to exceed 14,000,000 reis.

Article 18. It will be the duty of the directors,—

1st. To take cognisance of the business and accounts of the company, and of all the transactions of the manager, and to see that he performs his duty;

2d. To present at the general meeting the yearly balance of the company, and to give their opinion thereon, and to produce, also, a report of their transactions during the year;

5th. To call a general meeting when they may think it necessary to purchase new steamers, establish new lines, or increase the capital;

6th. To draw up a report of each of their meetings, in which they will clearly specify the subjects discussed and the determinations taken, giving separately the vote of the manager, or any of the directors who may disagree with the general resolution. The reports must be signed by the directors who may be present, and by the manager.

Article 19. The meetings of the Board of Directors will not be valid if there be not present at least three directors, and their determinations will be decided by a majority of votes.

Article 22. Each director must keep deposited in the company's safe 20 shares entered in his own name, which cannot be transferred while he continues in office. The manager must also deposit to the order of the directors 40 shares, which will be likewise not transferable during his management.

Article 24.

Article 24. The directors will not receive any salary until the general meeting should determine thereon according to the results of the undertaking. The manager will receive a commission not exceeding 4 per cent. on the amount of freights engaged in Lisbon, and 2 per cent. of the freights received.

Article 26. The general meeting must consist of at least 30 shareholders who represent one-fourth of the capital.

Article 27. The absent shareholders may be represented by proxy, be he or not a shareholder.

Article 28. No proxy can represent more than one shareholder, and should he be himself a shareholder his votes shall be counted in addition to those of the person he may represent.

Article 29. The deliberations of the general meeting are to be decided by absolute majority of votes of the shareholders present, which will be binding on the whole number.

Article 33. No resolution as to increasing the company's capital, or modifying the present statutes, can be carried by a general meeting unless the shareholders present represent at least one-half the capital of the company. No alterations or modifications can be made in these statutes without having received the approval of the Government.

Article 34. The ordinary general meetings will take place every year in the month of February, on the day fixed by the president, and extraordinary ones at any time the directors or manager, or so many of the shareholders who represent one-fifth of the capital, may require it.

Article 35. The first ordinary general meeting will be called by the directors in the month of February which shall first follow a year of the company's existence.

Article 37. It will be the duty of the president of the meeting,—

1st. To appoint the day for the general meeting;

2d. To superintend the management of the meeting;

3d. To order the manager to publish in the journals the advertisements relative to the meetings;

4th. To convoke the extraordinary meetings when necessary, in conformity with Article 31.

Article 40. The Board being constituted, the directors will issue a report of all the operations of the company, with the respective balance-sheet, accompanied by their opinion and report. All these papers shall be printed and distributed to all the shareholders who may require them a fortnight before the day of general meeting, and during all this time all the books of the company shall be laid open to examination by all the shareholders who may wish to see them.

Article 41. The general meeting shall deliberate upon the accounts and balance, and upon any proposals made by the directors or shareholders for the benefit of the company, such decision being duly inserted in the books.

Article 42. Should the balance not be approved of, the general meeting shall appoint by ballot, and by an absolute majority of votes from the shareholders present, a commission of five members to examine the accounts of the company, and report to the said meeting their opinion thereon, which meeting shall again reassemble to deliberate on the opinion presented within a month from the day in which the meeting was appointed.

Article 43. The balance being approved of, the general meeting shall resolve upon the dividend to be paid to the shareholders.

Article 45. The general meeting shall be called by means of advertisements, inserted 60 days beforehand, in the principal journals, national and foreign, in the countries where the company have shareholders.

But before Mr. Lindsay agreed to supply the steamships for the undertaking, he required that the Government of Portugal should take upon itself the responsibility of seeing that the statutes were duly enforced, and in all cases adhered to; as the condition of his sale of the three steamships to the Royal Union Mercantile Company then and thus formed was, that he should take in payment for three vessels a large portion of the stock, consisting of 1,850 paid-up shares of this Company, amounting to 37,000*l*. With that mode of payment he was satisfied, on the condition that the statutes were strictly adhered to.

The Government of Portugal consequently appointed commissioners of their own to control and superintend the affairs of the Royal Union Mercantile Company: and in their instructions to these commissioners they expressly state, "that they are to see when the general assemblies meet; that they deliberate with the legal number of members stipulated in the statutes, of which he receives a copy; and that their decisions be given in legal terms, giving notice to Government of any infraction that may happen of these rules, and see that the minutes which are written of the verbal process of the session shall contain all the

necessary explanations, in order to be quite sure that none of the requisitions of the social law are omitted."

The Government of Portugal, in these instructions, further order their commissioners "to give early and immediate notice of any omission that they may find on the part of the Company."

As a further inducement to persons to invest their capital in the undertaking, the Government of Portugal subsequently, by royal decree, and by an Act of their legislature, guaranteed interest at 7 per cent. per annum on all the shares of the Company.

In process of time, however, the directors and managers greatly violated their trusts. For instance, the president, Edward Medlicott, and José Antonio Serzidello, one of the directors, with another person not connected with the Company, received 2,000 *l.* as their commission on the sale of a steamship called the "Hope," which they, as directors, had purchased for the Company; and they and others of the directors took large sums from the coffers of the Company for their own use, which they charge in the accounts of the Company under the head of "bonus," "gratifications," and so forth. For their own use, and without the sanction of the shareholders, they took 21,026,429 reis (4,672 *l.* 10 *s.* 9 *d.*) for accepting the bills of the Company, and for "guarantees" to persons who had supplied the Company with stores; and under the head of "interest, discount, and difference of exchange," no less a sum than 73,734,429 reis (16,385 *l.* 8 *s.* 6 *d.*) is charged, the greater portion of which is presumed to have been received by the directors themselves.

In regard to the statutes, every one of the articles quoted have been violated. No "general meeting" of the shareholders was called, nor was any meeting held in conformity with the express conditions of the public statutes. In the former case, the requisite notices were not given to the shareholders, and in the latter the number of shareholders required to constitute a general assembly were not present at any one of these meetings; consequently it is presumed that the proceedings of all such meetings were both irregular and illegal, and that Mr. Lindsay and the other English shareholders, who had no notice of them, cannot be considered as consenting parties to any of the resolutions which were passed.

Nethertheless, at these meetings resolutions were passed to increase the capital of the Company, which however was not acted upon, as the shares were not taken; and powers were granted to borrow money, which were acted upon, and to do other acts not contemplated when the Company was formed, and in direct violation of the contract into which the shareholders had entered. In accordance with these resolutions, the directors, without authority from the shareholders, and contrary to the express conditions of the statutes, purchased large quantities of stores and various steamships, granting bills upon the Company for their payment, and otherwise pledging its credit; and when the directors found themselves unable to meet these payments, they borrowed from the Portuguese Government 450,000,000 reis (or 100,000 *l.*), and pledged the whole of the stock of the Company and its assets as security to the Government for the repayment of that sum, without the authority of Mr. Lindsay and the other English shareholders, and without even their knowledge.

The directors also, without the sanction or knowledge of the English shareholders, passed resolutions altering the public statutes, voting considerable sums of money for their own services, and providing that the dividends they declared upon what they represented as profits should be paid by the Company's shares.

At not one of these meetings, when such acts were done, were the conditions of the statutes attended to which rendered these meetings legal. At not one of them were the shareholders summoned by advertisement or by the stipulated notice. At none of them were the legal number of shareholders present; at none of them were the provisions of the 28 articles observed, which precludes an attorney from representing more than one shareholder. At none of them was Article 38, requiring the qualifications of the shareholder (or his representative), to be proved, attended to; and at one of these meetings the president, Edward Medlicott, without any authority, took upon himself to vote for Mr. Lindsay, as also for another shareholder, from whom it also appears he had no authority.

In January 1862, the Company having repudiated a contract into which they had entered with Mr. Lindsay, dated 28th December 1859, and under which he obtained certain debentures, as afterwards mentioned, that gentleman found it necessary to visit Lisbon, and it was then that the full extent of these proceedings became known to him. Mr. Lindsay then requested from the directors an explanation of various items in the accounts of the Company, made up to the 31st March 1861, but not sent to him till November of that year. The directors, however, declined to afford any information, on the plea that a general meeting would shortly be held, and that at that meeting the requisite information would be afforded. This was the first general meeting called in conformity with the conditions of the statutes. It was held on the 15th April 1862, and Mr. Lindsay and other English shareholders were represented at it by their attorneys. The directors were evidently most anxious to have these previous proceedings confirmed at this meeting, for they appear to have qualified as voters their relations, friends, and clerks with the shares. It also appears that they made false entries in the books of the Company as to the dates of these transfers and the qualifications of the voters. They also dispensed with the provisions of the 41st Article of the statutes, which required them to have the balance-sheet and their report printed and sent to the shareholders 15 days before the date of the meeting; nor would they allow the books of the Company to be inspected, as provided by the statutes; and

at

at this meeting it appears that the president gave 35 votes in the name of the company with 355 unissued shares, which he stated were the property of the company. Thus though the actual votes were 197 against the directors to 177 in their favour, made up in the manner described, the president added these 35 votes which he had recorded in the name of the company, and declared that the resolutions of the directors had been carried by 212 against 197.

The representatives of the Portuguese Government were present at this meeting, and during the whole of these proceedings, and were fully aware of all the acts of the directors, and did not raise any objection thereto.

They knew that the directors had appropriated the money of the company for their own use, and had paid debts due to themselves and to their friends, which had been contracted long after the debts due to others remained unpaid; and at the time, when the debentures of the company held by British subjects were protested for nonpayment and still remain unpaid.

They knew that the balance-sheet which the directors had rendered was not correct, that it contained many false entries, that it represented the property of the company much above its value, and that the "profits" were declared out of stock. These and many other matters were known to the commissioners appointed by the Government of Portugal, and must have been known to the members of the Government when they granted the loan to the company.

Against these acts the English shareholders protested verbally and in writing, handing a copy of their protest to the representatives of the Portuguese Government; and immediately afterwards they brought the whole of the proceedings at great length before his Most Faithful Majesty the King of Portugal, in a memorial in accordance with the usual forms adopted in that country.

The result of these proceedings, thus briefly set forth, has been the depreciation of the stock of the company to so great an extent that it is now unmarketable, and has been reduced practically of no value, which would not have been the case had the undertaking been carried on in conformity with the conditions of the statutes. The Government of Portugal does not deny that they were aware of these proceedings; on the contrary, they, to some extent, confirmed them in an Act of the Legislature, granting the loan of 450,000,000 reis to the company.

Mr. Lindsay laid the papers and accounts of the proceedings, including the most minute details and all the facts, before the leading lawyers of Lisbon, to ascertain their opinion in regard to responsibility of the Portuguese Government to him and to the other shareholders who had protested against the proceedings of the directors and their acts. These gentlemen paid great attention to the whole case, and devoted many days to its consideration; and they have given the following opinion:—

(Translation.)

"The undersigned Manoel Maria Terceira da Silva Beirao, Counsel in the Law Courts of this City of Lisbon, and before the Tribunal of the Administrative Council of State, and President of the Lawyers' Association; Francisco Jeronimo da Silva, Counsel in the Law Courts of the same City, and Vice-President of the aforesaid Association; Antonio Joaquim da Silva Abranches, Counsel in the Law Courts of the same City, and before the above-mentioned Tribunal, and Perpetual Secretary of the aforesaid Association; José Luiz Gancalpus Terceira da Cunha, Counsel in the Law Courts of this City, and before the aforesaid Tribunal; and José Antonio Luiz Gallo, Counsel in the Law Courts of this City, and before the said Tribunal.

"Having examined in conference the claim that William Schaw Lindsay and other British subjects, as shareholders of the Royal Union Mercantile Company, brought before the Government of his Most Faithful Majesty, are of opinion that the said Government is responsible (answerable) to the said claimants for the losses sustained by them, resulting from the approval that the Government, with complete knowledge, gave to the acts that are shown to have been practised by the Board of the said Company against the express conditions of its statute."

(Here follow the signatures.)

Lisbon, 20 December 1862.

As has been already stated, Mr. Lindsay was in Lisbon in January 1862, and he was then compelled to institute proceedings there against the company in the Lower Court of the Tribunal of Commerce, for the recovery of 14,100*l.* due to him upon debentures issued to him by the company for full value, and for the recovery of 97*l.* 3*s.* 7*d.*, due to him for expenses paid in London upon such debentures and otherwise. Full particulars of these proceedings will be found in the accompanying document, to which your particular attention is requested. As far as this document is intelligible, it is obvious that gross injustice has been done Mr. Lindsay by the Lisbon law courts; for although it was admitted by the company that the debentures had been issued by them *bonâ fide* to Mr. Lindsay, and for full value, and that they were unpaid, and although the finding of the jury is to this effect, and although no defence is offered by the company to Mr. Lindsay's claim, still the judge of the Lower Court nonsuits Mr. Lindsay, and orders him to pay the costs of the suit. It is impossible to understand the reasons given by the judge

for this decision, and it appears to be opposed to all principles of law and equity. Nevertheless, this unjust judgment was confirmed by two higher courts, to which Mr. Lindsay appealed.

On the 25th May 1864 the statutes of the Union Mercantile Company were withdrawn by a Royal Decree, dated that day, and the company now exists for the purpose of liquidation only. A copy of this decree is sent herewith.

Under the foregoing circumstances your Opinion is requested :

1st. Had the directors power to mortgage to the Portuguese Government the property of the company, as security for the loan of 100,000*l.*, except in accordance with the statutes of the company?

2d. Is the Government of Portugal responsible to Mr. Lindsay, in consequence of the acts of omission or default of the Government Commissioners in not seeing that the directors properly discharged the duties of their office?

3d. Taking all the facts of the case into consideration, has the Government of Portugal made itself responsible to Mr. Lindsay (in accordance with the opinions given by the Portuguese counsel) for the losses sustained by him, resulting "from the approval which the Portuguese Government, with complete knowledge, gave to the acts practised by the Board of the Company, against the express conditions of its statutes"?

4th. If so, are these claims upon the Portuguese Government such that, upon principles of international law, Her Majesty's Government can interfere officially, as in a matter between one Government and another; and, more particularly, cannot Her Majesty's Government interfere on the ground of Mr. Lindsay having been denied justice in the Lisbon courts of law?

OPINION.

1. I am of opinion that the directors had no legal power to mortgage the property of the company, except by proceedings strictly in accordance with the statutes, which they have not observed.

2. I think the Portuguese Government is responsible for the default of its commissioners, whose duty it was to enforce the observance of the statutes.

3. I agree with the Portuguese counsel in their opinion that the Portuguese Government is responsible for the losses sustained by Mr. Lindsay, as the result of their approving, with full knowledge, the acts practised by the Board of the Company, against the express conditions of the statutes.

4. As I am not aware of any means of redress against the Government of Portugal of which Mr. Lindsay can avail himself, in accordance with the law of that country, I am of opinion that Mr. Lindsay, as a British subject, is entitled to claim the official intervention of the British Government with the Portuguese Government, in order to obtain compensation for the losses which he has incurred by the systematic violation of the statutes of the company, to the maintenance of which the good faith of the Portuguese Government was pledged, and by the clear denial of justice which Mr. Lindsay has experienced in the proceedings before the Portuguese courts of law.

Doctors' Commons,
15 July 1864.

Travers Twiss.

Enclosure 2, in No. 45.

W. S. Lindsay, Esq., and the Portuguese Government.

A True EXTRACT of the Proceedings instituted by *W. S. Lindsay* against the Union Mercantile Company, in the Lower Court of the Tribunal of Commerce, and removed by appeal to the Superior Court of said Tribunal of Commerce, whence a motion was moved in the Supreme Tribunal of Justice in Arrest of Judgment; copies of the Judgments given by such Courts; copy of the essential Documents in this cause; Legal Considerations on said Judgments.

On the 29th January 1862, *W. S. Lindsay* prayed the presiding judge of the Lower Court of the Tribunal of Justice to summon the directors and manager of the Union Mercantile Company to offer defence to a suit wherein he (*W. S. Lindsay*) required that they, as representatives of said company, should be condemned to pay to him the sum of 14,100 *l.*, and 6 per cent. interest thereon, from the 1st July 1861, then due, and such

interest

terest as might accrue till final payment of this capital; and the further sum of 97*l.* 3*s.* 7*d.*, with its interest, which amount he had paid on account of the Company, and was the balance of an account-current he then presented; and that they should be further condemned in the losses and damages finally proved, and in the interest thereon; and that the sterling money should be reduced to reis Portuguese money, at the exchange proved by a certificate of a billbroker of the Lisbon market.

The grounds for this condemnation required by W. S. Lindsay were (as far as to the capital of 14,100*l.* and interests, and condemnation in the losses and damages) the private writing drawn up on the 28th December 1859, between him and the directors and manager of the company (Copy No. 1.)

(No. 1.)

“ W. S. Lindsay, Esq.,

“ Lisbon, 23 December 1859.

“ As you have acceded to the substitution and reforming of the contracts the Union Mercantile Company effected with you by public deeds of the 4th November and 20th December 1858, in the notes of the notary public of this city, Antonio d'Abranches Caeltho, for the payment of 27,500*l.*, one half of the price of the steamers ‘Africa’ and ‘Don Pedro,’ divided into six bills, with the competent interests, and whereof only the first was paid, and the second fallen due and not paid, and therefore all the remaining ones held as already due, and protested in accordance with said deed of the 20th December 1858, should you agree receiving on this day the sum of 8,000*l.* on account of your credit, and the remainder in debentures of said company in the value of 16,100*l.*, with interest at 6 per cent., payable every six months on the last day of the months of June and December of each year, to commence in the next future year, and an amortisation of 12 per cent. on said debentures payable on the last day of December of each year, to commence in the next future year, and combining and accepting all the other conditions and securities of this new contract, so that they may be reduced to writing in the present form, we declare and we oblige ourselves in the name of the Union Mercantile Company, and in the quality of its representative directors and manager, faithfully to fulfil the following conditions :—

“ 1st. That you having now received the sum of 8,000*l.* in two bills (one for 4,000*l.* at eight days’ sight, and another for 4,000*l.* at thirty days’ sight), drawn by Mr. Fortunato Chamico, junior, on Messrs. Bruno, Silva & Son, of London, and the sum of 16,100*l.* in debentures or obligations of the Company in exchange of the bills and private security which were in your hands, and which you have already delivered, the said Company obliges itself to pay to you said interest of 6 per cent., and said amortisation of 12 per cent., at the aforesaid periods stipulated above, on the aforesaid value of the debentures (16,100*l.*); and you may draw, for the amount of the interests and amortisation, a bill or bills on the company before said periods, should the directors not have remitted to you before the days 1st of June and 1st of December in each and every year of the above said years.

“ 2d. That the Company, through its directors and manager who represent it, obliges itself not to transfer or hypothecate its steam-vessels or any other property either wholly or in part, nor issue debentures, nor by any other form raise funds which be not precisely for the acquisition and purchase of vessels or material for the service and increase of the capital of said company, without previously consulting you by writing, and shall not hypothecate as security of the vessels or material it may purchase beyond the value of such vessels or material required.

“ 3d. That the company grants you the power of examining the books of its accounts and documents relating thereto when you may deem fit, or to require a flying balance signed and attested by its directors and manager.

“ 4th. That it having been resolved in a general meeting not to insure, after the present insurances of the company’s vessels shall have elapsed, the same vessels in more than one-fourth part of their value and in not less than 20,000*l.*, the Board of Directors shall make or order to be made said insurances in Portugal or in England, distributing said value of 20,000*l.* amongst the present vessels, as they may best think fit, depositing in your hands the respective policies of insurance.

“ 5th. That in case on nonpayment of the stipulated interests and amortisation, or on the non-acceptance or nonpayment of the bills you may draw, or on the noncompliance of the abovesaid conditions, you may at once sue the company for the amount of the whole of your credit, and make use of every right such debentures grant to you, and for the exact fulfilment of all and each of the abovesaid conditions, demanding besides the losses and damages that may accrue to you from want of punctuality; the amount of your credit being considered for all legal effects as having the privilege of preference to all other creditors, except the bearers of the debentures newly issued by the company on the value of the steamers of said company, and what else forms its assets, as by the present commercial obligation with force of a public deed.

“ 6th. That in the not expected case of the two bills drawn by said Mr. Fortunato Chamico, junior, on said Messrs. Bruno, Silva & Son, not being accepted nor paid, the

previous agreements of 4th November and 20th December 1858 shall stand in their full vigour, and be in force for all effects, and the deed for raising and annulling the special hypothecation of the steamers 'Africa' and 'Don Pedro' shall be null and void.

"We declare to you that, as by the enumeration of the debentures we now deliver to you, they are the first ones we have issued, 1 to 161.

"We are, &c.

"For the Union Mercantile Company,
"The Directors and Manager,

(signed) "Duarte Medlicott,
Fortunato Chamico, jun.,
José Antonio Pereira Serzedello,
Manuel Jose Lisboa.

"The Manager Non-can, *Candidodi F. Abreu.*"

W. S. Lindsay, based on such private writing, alleged that this paper-writing, substituting the former agreements as far as to the payment by means of six bills of one half of the price (27,500*l.*) of the steamers "Clarendon" (Africa) and "Ireland" (Don Pedro), of which bills he had only received the amount of the first one, and that having received on that same day the sum of 8,000 *l.*, he was a creditor of the company for 16,100 *l.*

That the company acknowledged that they were owing him that sum, and that they obliged themselves to pay same to him within the term of eight years, by annual instalments of 12 per cent. on the last day of December in every year from the following one (1860), and six per cent. interest every six months on the last day in the months of June and December, to begin from said following year, delivering to him 161 debentures or bonds of the company, of 100 *l.* each, and in which was established the same form of payment and recovery of said interests and amortisation, as also the privilege of W. S. Lindsay's credit, likewise acknowledged and declared in said writing or private agreement (Copy No. 2).

(No. 2.)

"*Antonio d'Abranches Caelho*, Notary Public of this City of Lisbon and its District, and Palæographer of His Most Faithful Majesty, whom God preserve, &c. I certify that a Debenture of the Union Mercantile Company was presented to me, bearing the No. 1, whereof a certified copy in due form was asked of me, of the part in Portuguese, the other part in English, not being copied, and its purport is as follows:—

"'Union Mercantile Company of Steam Navigation between Lisbon and the Western Islands, and the Ports on the West African Coast, subsidised by the Portuguese Government. Social capital, 900,000 milreas. Debenture No. 1, debenture of 450,000 reis. The Union Mercantile Company, represented at Lisbon by its Board of Directors, formed of Messrs. Duarte Medlicott, Fortunato Chamico, jun., Manuel Jose Ribeiro, Henrique Roberts, Edmund Ellicott, Joaquim H. Tradesso da Silveira, and Jose Antonio Pereira Serzedello, and by the manager, Candido de F. Abreu, received 450 milreas, or 100 *l.* sterling, from the bearer of this Debenture No. 1, with interest at 6 per cent., and an amortisation of 12 per cent. annually guaranteed, with the right of preference on all the said company's assets, the interest to be paid sixmonthly, and the amortisation at the end of every year; and for clearness it shall be cut off from a cheque-book, and signed by two of the abovesaid directors, by the manager, and by the Royal Commissioner.'

The Directors,
Duarte Medlicott.
Manuel Jose Ribeiro,

The Manager,
Candido de F. Abreu.

It is in conformity.

The Royal Commissioner,
Ernesto de Faria."

Lisbon, 27 December 1859.

EXTRACT from the Statutes.

"Article 14.—Should it be necessary for completing the issue of the company's capital, the Board of Directors may issue debentures to bearer, with fixed interest and determined amortisation, the amount whereof shall not exceed two-thirds of the company's capital.

"Section 1.—The capital and interest of these debentures shall be guaranteed with all the company's property.

Section 2.

"Section 2.—This issue shall be made under the Government's fiscalisation.

"This was only what was required of me from the collated debenture, which bears the stamp of the Public Treasury, of 40 reis, to which I refer myself, and deliver again.

"Lisbon, 20 January 1862.

"And I, Antonio d'Abranches Caeltho, notary public, do subscribe and sign these presents in due form of law.

(signed) "*Antonio d'Abranches Caeltho.*"

That according to the first condition of the agreement, he (Lindsay) could draw a bill or bills on the Company for the amount of the amortisation and interests due, should the Directors not remit him funds for that effect before the days 1st of June and December in each and every year.

That the Company having paid the amortisation (12 per cent.) and the interests of six per cent., as established up to June 1861, but having neglected remitting funds up to the 1st December for payment of the amortisation and interest due in that month, W. S. Lindsay drew on the Company in accordance to the power granted to him by said Condition the 1st, but that the directors refused accepting his drafts on the false pretext that they had no funds of the drawer, nor were they authorised to make advancements, as proved by the respective protest.—(Copy No. 3.)

(No. 3.)

"*Martinho Bartholomew Rodrigues*, Recorder of the Court of First Instance, in the Tribunal of Commerce of this City of Lisbon, make known that on this day, 17th of December, in the year of the Birth of our Lord Jesus Christ, 1861, and on behalf of Duarte Carvalho & Co., a Bill was presented to me for protest for non-acceptance, the true copy whereof is as follows:—

"BILL.

"Exchange for 1,227 l. 2 s. 2 d. sterling. London, 3d December 1861. At 90 days after date, pay this my first of exchange, second and third not being paid, to the order of Messrs. W. S. Lindsay & Co., 1,227 pounds 2 shillings and 2 pence sterling, at the exchange on the endorsement, value received in account, which carry to W. S. Lindsay's account. To the Union Mercantile Company, Lisbon. Pay to the order of Messrs. Duarte Carvalho & Co., at the exchange of 51½ per milreas in gold or silver, and no paper value of Knowles & Foster. London, 6th December 1861. W. S. Lindsay & Co. Paid 2 milreas stamp. Lisbon, 14th December 1861. No. 129, Vinha, Lobo. To which letter I refer myself, and having summoned the drawees (said Company) to accept, or to give me their reason for not accepting this in the person of the Directors, Duarte Medicott and José Antonio Pereira Serzedello, I was told by them that they did not accept because they had no funds of the drawer, nor were authorised to make advances.

"And signed, the Directors,

"*Duarte Medicott.*

"*José Antonio Pereira Serzedello.*"

That by Condition the 5th of said argument, it was expressly fixed that, on the Company neglecting to pay the interests and amortisation agreed to, or on non-accepting the bills drawn in accordance to Condition the 1st, or on neglecting to fulfil any of the conditions, he (Lindsay) might, immediately any such case might happen, sue the Company for the total amount there should then be owing to him, besides claiming such losses and damages as he should suffer therefrom.

That the foreseen case having happened of the non-acceptance of the bills, he (Lindsay) had the right of demanding the payment in full of his credit, which, deducting the instalments and interest paid, was of 14,100 l., with interest due from the 1st of July 1861, and such interest as may become due until full payment be done.

That furthermore the Company had failed in the fulfilment of the second Condition of the agreement, because, having obliged themselves then not to transfer or hypothecate the vessels, or any other property of the Company's, either the whole or part thereof, without previously consulting W. S. Lindsay by writing, they had contracted a loan of 450,000,000 reis, hypothecating all their property and vessels without said previous consultation.

That not only by the infringement of the aforesaid conditions, first and second, had he the right guaranteed by the Condition the fifth, of demanding the payment in full of his credit, the form of payment by instalments having ceased, but also had the right of demanding from the Company the losses and damages that might accrue to him from such neglect of fulfilling the agreement.

That he, in fact, did suffer losses and damages in being forced to come to Lisbon, abandoning

doing his business, making personal expenses, and expenses in the voyages, expenses in litigations, expenses with solicitors, agents, and lawyers, and expenses with an English lawyer that accompanied him to Lisbon, and whom he left here to represent him, and to keep him informed of what might occur; as also to obtain and offer the necessary informations for instituting and prosecuting the lawsuits against the Company, resulting from the infringement of the conditions of this agreement.

Mr. Lindsay protested, at the end of above-said allegations and inference we have copied in the beginning of this extract, that he would deliver up the 161 debentures he had received from the Company in the act, when they should pay to him the amount still due to him on same, and likewise protested for the personal testimony of the Directors and Manager.

The Directors and Manager having been summoned on the 31st January in said year 1862, their attorney appeared in the sitting of the court of the 3d February, and acknowledged as genuine the signatures on the document joined to the petition; that is to say, the private writing (Copy No. 1), but acknowledged them with the declaration that the Company owed nothing by that document.

The documents with which the action was drawn up were said private writing (Copy No 1); a true copy of the debenture No. 1, or the first of the 161 delivered by the Company; a true copy of the bills for 1,227 *l. 2 s. 2 d.*, drawn at London on the 2d and 3d December 1861, at 60 and 90 days, the original protests for non-acceptance and for non-payment, and an account current, showing a balance equivalent to said amount of the bills.

On the 13th February, the Company lodged their plea or defence in court, limiting it to a pure and simple negation of what was alleged and prayed for in W. S. Lindsay's petition.

The process being thus prepared, the 5th day of June was appointed for its discussion and judgment.

At this act Mr. Lindsay's attorney presented sundry documents of small influence on the question. It is the correspondence that had taken place between him and E. Ellicott, the original bills, and the protests referred to above—the first contract of the 20th December 1858 done with the Company on the sale of the vessels "Clarendon" and "Ireland," and on the form of payment, and the deed or agreement of annulment of the special security W. S. Lindsay had in the said vessels effected by that contract of the 20th December 1858, and which was annulled by said posterior private agreement of the 28th December 1859.

This last document, drawn up between the Directors of the Company and Mr. Lindsay, on the same day of said private agreement, may serve to show what were the intentions of the contracting Directors, and therefore it is copied.—(Copy No. 4.)

(No. 4.)

"Know all men to whom this public instrument of release of special hypothecation and obligation shall come, that on the 28th day of the month of December, in the year of the birth of our Lord Jesus Christ, 1859, in the city of Lisbon, and Caes do Sodre, No. 12, at the offices of the Union Mercantile Company, whither I, notary, came, and there found present on the one part, W. S. Lindsay, esq., English subject, merchant capitalist, and proprietor, resident in the city of London, and at present in this city of Lisbon, to treat of his business, accompanied by his interpreter, Raimond Ellicott, employé in aforesaid offices; and, on the other part, Messrs. Duarte Medlicott, Fortunato Chamigo, jun., José Antonio Pereira Serzedello, Manoel José Ribeiro, Merchants and Directors of the Union Mercantile Company, and the Manager of said Company, Candido de Freitas Abreu, all persons known to me, and whom I bear witness to be the true ones; and by W. S. Lindsay it was said, through his interpreter, in my presence, and in that of the witnesses hereinafter named, that having on that same day entered into a new agreement and convention with the Directors, the second parties hereto, in the name of and as the representatives of the Union Mercantile Company, on the form of payment of the remainder of the one-half of the price for which he had sold to them his vessels "Clarendon" and "Ireland," now named "Africa" and "Don Pedro," covenanting new conditions and securities, and to which the seconds agreed and signed in a private writing; he, Lindsay, by this present instrument, and in the best form of right declares extinct and of no effect the special hypothecation made on said vessels by deeds of 4th November and 20th December 1858, and drawn up in my notes as security of the bills of exchange drawn on the 1st of said month of November by him, Lindsay, and accepted by the Directors of the Company, and which bills likewise remained of no effect by virtue of that new obligation, and therefore he, W. S. Lindsay, raises and releases, and has raised and released the special hypothecation that laid on above said vessels by the aforesaid deeds, where these presents shall be noted that at all times this release may be known. And they, the Directors, in presence of this instrument, may pray for the annulling of the respective register when they may think fit. And by the Directors it was said that they accepted this instrument of release in the form drawn up. In witness of the truth they thus granted, asked, and accepted, same being witnesses present, José Joaquim de Mendouca and Nuno Mairoa do Patraunio Tavares, employés in the company's offices, who set their hands on this note with the parties thereto, after having been interpreted into the English language, and read by me, Antonio
de

d'Abranches Coelho, notary public, who wrote same. For this deed and my coming, gratis. W. S. Lindsay; as interpreter, Raimund Ellicott; Fortunato Chamigo, jun.; Duarte Medlicott, José Antonio Pereira Serzedello, Manoel Jose Ribeiro; the manager, Candido de F. Alren; Jose Joaquim de Mendouça, Nuno Mairia do Patrocinia Tavares. And I, Antonio d'Abranches Coelho, notary public, of this city of Lisbon, and its district, caused this instrument of my notes, and to which I refer, to be copied and subscribed, and do sign in due form of law.

Collated by me, notary,

Lisbon, 7 January 1862.

Antonio d'Abranches Coelho.

The same Advocate prayed that the 161 debentures should be joined to the process, and which he presented, and to which the agreement, grounds for the action, referred to.

The presiding Judge of the Court overruled this petition, on the ground that, as they were passed to bearer, they were equal to money.

Thereupon, the Advocate prayed that they should remain deposited in the Court; prayed, which was also overruled, the Judge nevertheless declaring that he would allow Mr. Lindsay to deposit them at the Bank of Portugal on his responsibility, joining to the process such document as should prove such deposit.

The Company's Advocate opposed himself to this deposit of the debentures, as he understood that they should have been joined to the petition (action); and this opposition not having been attended to by the Judge, said Company's Advocate appealed in the proceedings of the trial for infringement of Article 257 of the "Novis suina Reforma Judiciana" (Code of Civil Process), which runs as follows:—

"The petition shall be at once instituted, with all the documents on which it is based, or of which mention is made; and, if not, they shall not be admitted during the course of the proceedings, and the Judge shall therefore absolve defendant of the process of the suit when he may pray for same."

On the same occasion evidence was given by the two Directors of the Company, Duarte Medlicott and José Antonio Pereira Serzedello, who acknowledged their signatures on the letter or private writing of the 28th December 1859; confessed the fact of the non-acceptance of the bills, further declaring that the Company did not accept them, because Mr. Lindsay owed them a larger amount, and that they had credited the interest and the amortisation of the debentures in the said Mr. Lindsay's account.

The pleadings being terminated, and the Court being composed of the presiding Judge and 12 jurymen, to whom appertains exclusively the decisions of questions of fact, said Judge proposed to them the following queries, to which they answered, as seen after each query:—

1st. Is it or not proved that the Company obliged themselves to the plaintiff (Lindsay) in the terms of the letter of the 28th December 1859? (Private writing No. 1).

Answer of the Jury—It is proved.

2d. Is it or not proved that the defendant (Company) refused to accept and to pay the bills drawn on them by plaintiff for payment of the amortisation and interests of the second six months of 1861?

Answer—It is proved.

3d. Is it or not proved that the defendant (Company) contracted a loan for 450,000,000 reis, with special hypothecation of all the vessels and property she held?

Answer—It is proved.

4th. Is it or not proved that, from the want of punctual compliance of the conditions of the contract, losses and damages accrued to the plaintiff (Lindsay)?

Answer—It is not proved.

5th. Is it or not proved that the defendant is owing to plaintiff the sum of 97 l. 3 s. 7 d., resulting from payments the latter made at London on account and by order of said defendant, as alleged in Article 5 of the Petition?

Answer—It is not proved.

[Here follow the signatures of the Jurors.]

With these answers, the process was closed for the Judge presiding to pronounce judgment; and before it was pronounced and published at the sitting of the 16th June, Mr. Lindsay prayed said Judge that a writ be given for the deposit of the 161 debentures at the Bank of Portugal.

The Judge granted same; and on the 6th the deposit was made, the deed of such deposit being joined to the proceedings.—(Copy No. 5.)

No. 5.

"Deed of deposit of debentures passed to bearers by the Union Mercantile Company, effected by Thomas Edward Howe, as attorney of William Schaw Lindsay, on the 7th day of the month of June in 1862 years, in the room of the Board of the Bank of Portugal,

being present the Directors, Augusto Xavier da Silva and Antonio José Pereira Serzedello, conjointly with the treasurer general of this establishment, M. Luis Manuel Gonçalves Vianna. Appeared Mr. Thomas Edward Howe as lawful attorney of Mr. William Schaw Lindsay, and showed that, by virtue and in conformity of an Order of Court which he showed, and is filed in this establishment, given by the presiding Judge of the Tribunal of Commerce of First Instance, of this city, dated 6th instant, whereby he is duly authorised, he came to deposit at the bank the 161 debentures, from No. 1 to 161 inclusive, of the value of 450,000 reis each, nominal, passed to bearer by the Union Mercantile Company of this city, with the date of 27th December 1859, and to which said Order of Court refers; and the Board acceding to this deposit, they were received from said Mr. Thomas Edward Howe, in the quality he represents, the 161 debentures described above, and were delivered to aforesaid treasurer general of the bank, Luis Manuel Gonçalves Vianna, who examined and conferred them, being afterwards placed in deposit in the strong house (casa forte) of this establishment, where they remain at the orders of said presiding Judge of the Tribunal of Commerce of First Instance of this city; and that it may appear and be evident this deed was drawn up, and whereof a copy is given to the party interested. And I, Marcelino de Freitas Tavares, bookkeeper, signed same.

"Antonio José Pereira Serzedello.

"Augusto Xavier da Silva.

"Luis Manuel Gonçalves Vianna.

"Thomas Edward Howe."

"It collates with the original,

"Bank of Portugal, 7 June 1862."

"The Bookkeeper,

"Marcelino de Freitas Tavares."

The judgment of the Court is shown in the Copy No. 6.

Mr. Lindsay appealed from this judgment to the Superior Court of the Tribunal of Commerce, which is formed of four Judges and one President, all Judges in Equity, and who, according to Article 1,106 of the Commercial Code, cannot take cognizance of questions of fact decided by a jury of the lower Court, and only annul judgments when not pronounced in conformity to the answers of the jury, or when they are against equity. They also annul processes when some essential solemnity is wanting in them, as the first summons, the petition, the defence, examination of proofs, and the want of publicity in all the acts, or when the queries of fact proposed to the jury are impertinent, or when their answers are impertinent, or obscure and confused.

The same Court likewise takes cognizance of appeals made by the parties, and determines whether they be heard or not.

In the process there were two appeals—one on the part of Mr. Lindsay, and another on the part of the Company.

The appeal on the part of Mr. Lindsay was for the infringement of the Articles 1,086 and 1,087 of the Commercial Code, which mark a special form of process for the actions based on writings of commercial obligation signed by the defendant, who, having been summoned and acknowledging his signature, although he may deny the obligation of payment, is immediately condemned provisionally, and he is not allowed defence without depositing or giving security for the amount demanded.

Mr. Lindsay's advocate understood that, the action being based on a commercial writing, as was the one of the 28th December 1859, and that the Directors acknowledging their signatures at the sitting when the summons was accused (3d February), the Judge should apply to them provisions of said Articles 1,086 and 1,087 of the Code, not admitting defence without a previous deposit or security; and as this his prayer was not attended to, he appealed.

The appeal on the part of the Company was for the infringement of the Article 257 of the Code for civil proceedings, which was hereinbefore copied, forasmuch as the 161 debentures not having been filed with the petition or action, the Company should, in conformity with that law, be absolved of the process of the suit.

The process having been carried up to the Superior Court (Second Instant), it did not attend to any of the said appeals, and confirmed the judgment, as seen from the decision of the 14th March 1863.—(Copy No. 6.)

No. 6.

"On reviewing the process, &c.,

"The plaintiff, W. S. Lindsay, deduces in the petition (folio 2) that, by a private writing of the 28th December 1859, the Directors and Manager of the Union Mercantile Company confessed that at that date, after deducting the amount of the bills therein mentioned, the Company was owing to the plaintiff the sum of 16,100*L.*, rest of the price for which they had bought him in the year 1858 the steam-vessels 'Clarendon' and 'Ireland,' now 'Africa' and 'D. Pedro,' that defendants obliged themselves to pay him said amount in the term of eight years, in annual instalments of 12 per cent., payable every six months, on the last days of the months of June and December of each year, satisfying, along with said instalments, the interests of six per cent. that was to be due on the capital: and they delivered to plaintiff 161 debentures of the Company of 100*L.*, in which it was likewise established the above said form of payment and interests to be due, as also the privilege of the credit likewise acknowledged in the contract; that in the first condition thereof it was covenanted that, on the Board of Directors not remitting funds

funds to plaintiff for the satisfaction of the instalment and respective interests for each six months before the day, 1st of June and December in each year, plaintiff might, before maturity, draw bills on the Company for the amount of the instalment and interests; that the Company paid the instalments and interests up to June 1861, but, having neglected remitting funds up to the 1st December of that year, the plaintiff drew two bills for the amount of the instalment and interests, and further for 97 *l.* 3 *s.* 7 *d.*, amount of payments he had made in London on account and by order of the Company, including also the expenses of the bills, which were not satisfied, under the false pretext of not having any of plaintiff's funds in their hands; that the Company likewise failed in complying with the second condition of the contract, because, without previously consulting plaintiff, they had contracted a loan of 450,000,000 reis, especially hypothecating all their vessels and property; that, therefore, and in conformity with the fifth condition, he may sue them for the total amount of his credit—to wit, 14,100 *l.*—after deducting the three instalments paid up to June 1861, the interests from the 1st July 1861 forwards, and the losses and damages that may accrue to him from the non-execution of the obligations undertaken; and, in conclusion, prays that defendants be condemned to pay over to him said sum of 14,100 *l.* and respective interest, the expenses of the protest of the bills, the amount of the losses and damages that may be liquidated in the issue, the commercial interests on that amount from the time it be judged liquidated until its payment, and the further sum of 97 *l.* 3 *s.* 7 *d.*, with commercial interest from the dates of the payments declared in the account (folio 18).

“The Company (defendants) defended with a denial at folio 24. The process continued its course, and in the sittings for the pleadings two of the Directors deposed: the parties filed the documents (ex-folio 29). Plaintiff rectified a mistake in the petition with regard to the payment of the instalments, which, in the form of the contract, should be yearly, and the incidents took place, as seen from the respective record at folio 68.

“All which, and the rest of the process being considered, taking in view that the commercial obligation contracted by the private writing at folio 8, annulled by substitution the previous contracts on the purchase and sale of said vessels and the form of payment of their price, in the terms of the Articles 867, 884, and 885 of the Commercial Code.

“Whereas, with respect to the demand for 14,100 *l.*, and respective interest at 6 per cent. from the 1st July 1861, the petition is in evident contradiction with the above said writing, on which it is based, from which it is proved that the Company paid to plaintiff his credit with 8,000 *l.*, in two bills, which he virtually confesses having been satisfied; and the remainder, with 16,100 *l.* in debentures, to bearer, of 100 *l.* each, stipulating the form of the payment of the 6 per cent. interest, and 12 per cent. amortisation on the value of the said debentures, which, as seen from them, have said interest and amortisation due on them.

“Whereas, the debt having been thus paid, and there being no responsibility on the part of the Company, except for the interests and amortisation in the terms of the debentures, and of the contract, which is law between the parties, it is beyond doubt that the words of the fifth condition, ‘in case of non-payment of the stipulated interests and amortisation, or on the non-acceptance or non-payment of the bills you may draw, or on the non-compliance of the above said conditions, you may at once sue the Company for the amount of the whole of your credit, and make use of every right such debentures grant to you,’ can have no reference to a debt already paid, and which thereof could not constitute a credit; but only to the interests and amortisation of the debentures he might present, as likewise to the losses and damages whereof said condition speaks, if perchance verified.

“Whereas, that from the contradiction in which the petition, as far as to the demand for the 14,100 *l.* and respective interests stands, with the very obligation on which it is based and forms part, it results that its matter is such that by it plaintiff can have no right to sue for what he demands; and, consequently, the defendants should be absolved of the process of the suit, in conformity with the ‘*Ordinacão*,’ book 3d, title 20, paragraph 16, and Article 1st of the Commercial Code.

“Whereas, that in regard to the debt of 97 *l.* 3 *s.* 7 *d.*, the jury declared it not proved, in answer to the fifth query. Whereas, that as it is now shown, the answers to the queries two, three, and four, are prejudiced, and, taking into consideration the Articles 1,030 and 1,103 of the Commercial Code, I absolve the defendants of the process of the suit as regards the demand for the 14,100 *l.*, respective interest, expenses of protest of the bills, and losses, and damages. I absolve them of the suit as regards the demand for 97 *l.* 3 *s.* 7 *d.* and interests. I condemn plaintiff in the costs, and only in the fine corresponding to this last demand.

“*José Rereira Sanches e Cartro.*”

“Lisbon, at the sitting of the 5th June 1862.”

[Here follow the signatures of the 12 Jurors.]

Copy of the Decision of the Court of Commerce of Second Instance.

“We decide in Court of Appeal, &c.,

“That we do not intend to the move in arrest of judgment, fol. 22, v., nor in the process at fol. 75, as no law has been infringed. And, attending to the appeal, we confirm the sentence appealed from, because of its grounds saving appellant's right for the suits he may think he has a right to. And the appellant to pay the increased costs.

“*Bacellar.*”

“*Ferrar Brederade.*”

“Lisbon, the 14th March 1863.”

"Copy of the Decision of the Supreme Court of Justice, &c.

"We, of the Council, &c., of the Supreme Court of Justice, &c., in conference decide that we deny revision, as no law has been infringed.

"*Velles Caldeira,*
 "*Porto Carriero,*
 "*Sequeira Pinto,*
 "*V. de Lagoa,*
 "*Silveira Pinto (non con.).*"

"Lisbon, 21 July 1863."

Mr. Lindsay appealed in arrest of judgment to the Supreme Court of Justice, which Court is common both for the judgments of commercial tribunals, and for sentences of civil and criminal courts, yet this Court negatived same by its decision of 21st July of said current year, one of the five judges who took part in the proceedings signing *non con.*

From the Supreme Court the process came down to the Commercial Superior Court (Second Instancia), which, in compliance with a prayer of the Company, condemned W. S. Lindsay in the costs by decision of 29th August last.

This is the true narration and actual state of the cause.

Legal Considerations.

Although the judgment did not deprive Mr. Lindsay of his right, who may renew his suit against the Company, yet it postponed the question, and restricted and limited that right, giving to the private writing of the 28th December an interpretation contrary to its wording, and to the good faith that should be the base of all agreements, and especially of agreements between merchants.

The Company did not oblige itself solely to the delivery of the debentures, and to pay the annual 12 per cent. of amortisation, and the six-monthly interest at 6 per cent. If their obligation were limited to this, the simple delivery of the debentures would be sufficient, as these gave a right to the payment of such amortisation and interests.

But the Company wished to warrant Mr. Lindsay the punctuality of such payment, obliging themselves not only to remit funds to London, and accept him the bills he might draw for payment of the amount of the amortisation and interest on the debentures, but also not to hypothecate their vessels, nor issue debentures, or raise funds without his consent by writing.

They also obliged themselves to deposit in his hands the policies of insurance of the vessels, and granted him the right of examining the books of the Company.

And, finally, in Condition the fifth, it was agreed that, on neglect of paying the interests and amortisation stipulated, or on the non-acceptance or payment of the bills, or on neglect of the other conditions, Mr. Lindsay might at once, by means of that commercial obligation which should have the force of a public deed, sue the Company for the amount of all his credit and demand, losses, and damages.

This is the literal and obvious meaning of the fifth Condition.

On the same day, in the deed for annulling the hypothecation, the Company declared that that private writing was a new agreement and convention on the form of payment of the remainder of half the price for which Mr. Lindsay had sold to them his vessels, "Clarendon" and "Ireland," stipulating new conditions and securities.

Therefore, the facts of not remitting funds, of not accepting and not paying the bills, and of having hypothecated their vessels and property to the Government for a large loan without consulting Mr. Lindsay, having taken place and having been proved, he (Lindsay) had the right of demanding from the Company the whole of the debt, based on said fifth Condition, and proving, as he did prove, that he had in his power the 161 debentures.

Mr. Lindsay declared that he had them, and showed them in Court, and were ordered to be deposited in the Bank of Portugal.

Deducting from 16,100 £ the instalments paid up, he was still a creditor for 14,100 £, and, therefore, how could the right of demanding this amount, and losses and damages that might be proved, be denied to him?

If his right was limited to the one the debentures gave him, that is, to the interests and amortisation of the debentures he might present, it was and is useless to have written and signed the paper writing of the 28th December, agreeing in it the form of payment, and stipulating new conditions and securities.

The 161 debentures were so many other obligations or bills of the Company, whereby they obliged themselves to pay the bearer 12 per cent. of amortisation every year; and, as in the previous agreement of the 28th December 1858, by which the Company gave bills in payment, it was agreed that on non-payment of any of said bills it should be understood that they were all due; and Mr. Lindsay, with the right of demanding the whole amount of them, it was also agreed in the private writing of the 28th December 1859, that Mr. Lindsay was to receive the 161 debentures in payment of the remainder of his credit, and which had a fixed amount of capital and interest due on each, with the condition that, failing in the payment stipulated on them and secured, with the remittance of funds and acceptance of bills, Mr. Lindsay had the right of demanding the whole of the capital they represented.

The action having been moved and carried in the literal and logic meaning of this new agreement, it is unjustifiable the evasion or expedient adopted by the Court of classifying the petition (action) of non-ability, so as to absolve the Company of the process of the suit, and

and much more unjustifiable still, as limiting Mr. Lindsay's right, as though said agreement did not exist, the only case in which such absolution could be justified and based in equity.

The very Company never, not even by word or by writing, moved for or defended the restriction of Mr. Lindsay's right.

Their defence or their opposition consisted in the fact of Mr. Lindsay not having, as soon as he moved his action, showed the debentures, which, being to bearer, might be in the hands of a third party, and concluded from this fact that they should be absolved of the process of the suit by virtue of Article 257 of the Code for the Civil Process (Code do Processo Civil). Yet the Lower Court (First Instancia) of the Tribunal of Commerce, or rather its presiding judge, went still further, as we have just seen.

It should not be wondered at that the judgment should not have been annulled in the Superior Courts, and that therefore they should all labour under the same error, as the Superior Court (Second Instancia) of the Tribunal of Commerce left undefined the true notion it formed of the justice or injustice of the judgment, declaring that it left to the appellant (Mr. Lindsay) the right saved for the actions he might think were competent; and the Supreme Court of Justice negatived the motion in arrest of judgment, perhaps, because it understood it should only grant it in the case of direct and literal offence of the general law of the kingdom, and not in the case of offence of conditions of private contracts.

Be it as it may, it is our opinion that the judgment was unjust, even considered in the face of the rigour of civil right, and much more unjust being pronounced, as it was, in commercial tribunals, which are essentially judges of equity, which should respect and cause to be respected the mercantile agreements maintained, the good faith which is the foundation of commerce, and decide the questions simply, and summarily, and openly, and on the known truth, without the observation of formula.

To suppose, as the judgment supposed, that in Condition the fifth of the Agreement there was not the conventional penalty the Company imposed on themselves of paying the whole of the debt, should they fail in the partial payments, in the form and at the periods fixed in the debentures and in the very Agreement, is denying the known truth, thereby to absolve the Company of a written and solemn obligation attributing to them the reserved intention of illuding and defrauding their creditor, with manifest deceit and abuse of confidence.

Judgments of such a nature may show the acuteness of ingenuity of judges, but scare away those who contract honestly, and very often, far from protecting, destroy and ruin the credit of the very parties in whose favour they are pronounced.

(signed) *D'Antonio Joag^m da S^a Abranches.*

Lisbon, 10 December 1863.

Enclosure 3, in No. 45.

Mr. W. S. Lindsay and the Portuguese Government.

FURTHER STATEMENT by Mr. Lindsay.

THE first that Mr. Lindsay heard of the proposed undertaking was in July 1857, when he was invited by various gentlemen in Lisbon, through Messrs. Pinto, Perez, & Co., of this city, to aid in furnishing the capital, as the undertaking was to be under the care and support of the Government of Portugal; and was so anxiously desired by the Government of that country for many reasons then given, that it was to be, to a great extent, a Government undertaking. On this understanding Mr. Lindsay, accompanied by Mr. Perez, visited Lisbon for the first time, early in September of that year (1857), and had various meetings, not merely with the gentlemen who were forming the Company, but with the Minister of Public Works of Portugal, who urged him to aid the undertaking, and to furnish the necessary steamers to start it. And the first letter Mr. Lindsay wrote to the gentleman in Lisbon, who was to be the managing director of the Company, commenced as follows:—

" Candido de Freitas Abreu, Esq., Lisbon.

" Dear Sir,

" London, 6 October 1857.

" Mr. Perez, on his return yesterday, called upon me and stated the substance of what had taken place since I left Lisbon. So far the substance seems to be in accordance with the conditions named; but about this I may have more to say when he furnishes me with a translation of the various documents which were drawn up, and when I have examined the details.

" The first and main point now required to complete is, the official confirmation by the Government of the terms of the contract. When this is received, and the statutes are agreed upon, the Company should be legally constituted on the basis named, and the shares issued to the extent required for the purchase of the ships. These are matters in the hands of yourself and the other gentlemen at Lisbon, and no time should be lost."

The next letter Mr. Lindsay addressed to Mr. Abreu was on the 16th October, and in it distinct reference is made to the statutes, rough draft of which had been sent by the

order of the Minister for his approval. He makes various remarks upon them; requires certain alterations, and concludes, "The greater the delay with the Directors and the Government, the greater will be the delay in sending my ship, and you must obtain the consent of the Government to that delay." So that no step was taken without the sanction, knowledge, and consent of the Portuguese Government.

Again, in Mr. Lindsay's letter to Mr. Abreu, of the 6th November, he says, "I have your favours of the 17th and 28th ultimo. As they do not, however, bear upon the points named in my letters to you of the 6th and 16th ultimo, I have little to say in the present, as I cannot make any further move until I have definite answers to these letters, and receive advice from you that the Government have officially confirmed all the statutes, and that the shares are ready to be issued. Ere this the epidemic which has been so fatal will, I trust, have abated, and enabled the Directors and the Government to have completed the necessary documents for commencing operations."

By the above it clearly appears that Mr. Lindsay would not make any move, or supply the first steamer, till the Government had officially confirmed all the statutes.

Again, on the 25th November 1857, Mr. Lindsay writes as follows to Mr. Abreu:—

"I am favoured with your letter of the 5th, the contents of which I have noted with care.

"My former letters to you, to which I beg reference, have so fully explained my views on all matters, that I have little left to say in the present. Till the Company is duly formed, as I have already advised, and the shares issued, we cannot commence business. The 'W. S. Lindsay' has been all ready for some time, and lies here at considerable expense to me, and consequently I am anxious to dispatch her to Lisbon to commence work, but this, of course, I cannot do until the Company is constituted, and the conditions named in my letter to you of the 6th ultimo, and referred to in my recent letters, are complied with. Whenever these are to hand, I shall not merely dispatch the 'Lindsay,' but make preparations to have all the ships ready which are required for the whole service. I quite approve of the confirmation of Articles 2, 3, 4, 5, 6, 7, 8, and 9, and also of Article 26, with the slight modification named in my letter to you of the 16th ultimo; and, as the Government has been pleased to approve of them, I see no reason why that portion of the contract cannot be carried into effect, and the trade with the Azores commenced in a proper manner, and without further delay. The Company would, therefore, better be constituted at once (with the understanding from the Government that, whenever the Cortes meet, the remainder of the statutes will be officially confirmed, and the requisite shares issued, and credits opened, to cover the price of the 'Lindsay'); and when these are received here she will be dispatched.

"Understand, however, that, as I have a far higher opinion of the value of the African trade than of that of the Azores, the latter is to be commenced with our own ships, on the clear understanding that the Cortes, when they meet, will confirm all the statutes.

"I am sure it will be for the interest of all parties (and I have considerable experience in these matters) if the alterations are made which I pointed out in my letter of the 16th ultimo, bearing upon Articles 26, 28, 29, 30, 31, 32, and 45. As they merely bear upon matters of detail, and as the statutes are not yet officially signed by the Government, these alterations, which are really requisite, can be made without causing any delay or any trouble, for the Ministers I know would agree to them at once. You may depend upon it that it is much better to have them made now than after they are in operation, more especially as all that is requisite is an alteration in the wording, and you must only print proof sheets till the statutes are officially confirmed. Our mutual friend, Mr. Fradesso, will at once see the force of this. In fact, no large capitalist would hold his money in the undertaking, unless the wording of the clauses I have named was altered. Say to the Ministers, with my respectful compliments, that I am ready at any moment not merely for the Azores, but for the African service also, which I feel will do much for Portugal, and that the delay rests with the gentlemen at Lisbon; they, on the other hand, being delayed from not having the official confirmation by the Government."

The whole transaction, therefore, was on the clear understanding that the statutes were to be agreed to and adopted by Government, and passed by the Cortes. This was ultimately done, though after much delay, but done before Mr. Lindsay would deliver the first ship to commence the service.

As there was great delay, Mr. Lindsay then addressed the Minister of Public Works, and copies of these letters are annexed.

When the statutes were officially confirmed, and other matters arranged, he then dispatched the first ship, and the undertaking was commenced. Nothing could be clearer than that the statutes entered into by the Government, and officially confirmed by them, formed the basis of the agreement with Mr. Lindsay; and it was their duty (but no part of Mr. Lindsay's duty to require it) that they, the Government, should appoint representatives, which they did, to see their statutes properly carried into effect.

On the faith of these also, the other two steamships were afterwards supplied by Mr. Lindsay to the Company.

When, in 1862, the Company dishonoured their drafts for the payment of the debentures, Mr. Lindsay instituted proceedings, and inquired minutely how the affairs of the undertaking had been conducted, and, after much research and labour, he found that the statutes had been grossly violated, and the whole affair managed in the most illegal and extraordinary manner; Mr. Lindsay then claimed from the Government to be held free from

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the loss he would sustain through the illegal acts of the manager and directors to which the Government had clearly been consenting parties. Against these acts he formally protested, and when at Lisbon, in January 1863, he brought the matter fully under the notice of, and addressed a letter to, the British Minister on the subject, of which a copy is annexed. That letter was at once forwarded by Sir Arthur Magenis to the Duke of Loulé, the then Prime Minister, who was also Minister of Public Works. The Government of Portugal then appointed a Committee of Inquiry; the report of that committee has just appeared in the official gazette of Portugal, copies of which are sent herewith; and that report confirms all that Mr. Lindsay asserts in his letter to Sir Arthur Magenis, of the 1st January 1863, and reports upon a great many more illegal acts; so that it is not easy to see how the Government of Portugal can even attempt to escape from its legal responsibility to Mr. Lindsay, as their own committee have affirmed all that he has alleged.

COPY LETTERS written by Mr. *W. S. Lindsay* to His Excellency *Carlos Bento*.

Sir,

London, 24 December 1857.

As far back as August last I was invited, as your Excellency is aware, to visit Lisbon to aid in the formation of a steam shipping company, for the development of the important trade of Western Africa, and for the conveyance of mails between Lisbon and the ports on that coast.

At considerable inconvenience, I visited Lisbon early in September. After numerous interviews with the gentlemen above referred to, I agreed with them all the plans necessary to be adopted, and the conditions on which I would enter upon this very important and I might add promising undertaking, if properly and faithfully conducted. These plans and conditions were laid before your Excellency, and at the last meeting which I had the honour of having with you, I understood that our proposals had met with your approval, and that nothing more was necessary beyond the formal consent of the Government of which your Excellency is so distinguished a member. On my return to London I gave orders to have the first ship equipped and put in superior order; she has now been waiting for two months in the dock, at considerable expense to me, ready to commence this important service. On the 12th of this month I received with considerable surprise a telegraphic message, advising me that the Government had agreed to all the conditions except the usual bonus of 60 contos, and inquiring if I would give up my right, so far as the shareholders were concerned, to any portion of the same. My answer was in the negative, and I further informed the gentlemen who had telegraphed to me, that as they could not expect me to keep my valuable property here lying doing nothing, I could not delay longer, and that the business so far as they were concerned, had not advanced one step since I left Lisbon in September last. I had agreed to provide one-half of the capital, and to accept no part of the bonus for my own use, and receive no remuneration for my trouble, and that out of the 60 contos, the directors were to receive 35 for their trouble and responsibility in the formation of the company, and that the remaining 25 contos were to be for the benefit of all the shareholders. My conditions with them, as your Excellency will not fail to note, were liberal in the extreme, and as they are apparently not prepared to carry out these conditions, and have not sent a telegraphic reply to my letter to them of the 16th inst., I consider it my duty to address your Excellency direct. I know that your Excellency is most anxious to see the trade of Western Africa properly developed, and, therefore, if it be your pleasure, I will undertake, on my own responsibility, the whole of the conditions named in the proposals which were laid before you in September last, so far as that trade is concerned, for the annual payments and bonus therein specified, and immediately on receipt of your Excellency's answer to this letter, the first steamer will be dispatched to Lisbon to commence the service. The position which I have long held connected with the shipping of this country will, I trust, be a guarantee to you that the service will be faithfully performed when once undertaken; but if required I shall deposit the usual security in Government stock, and I may add that there are in Portugal and in this country, other parties deeply interested in the development of the African trade, who will be ready to join me should I desire it. The small service of the Azores is, I understand, already occupied; but as I have no connection with these islands, I feel I could not do it justice, and therefore would not undertake the mail service there.

Considering the great delay which has already taken place, may I request the favour of an early answer.

I am, &c.

(signed) *W. S. Lindsay*.

To His Excellency Carlos Bento,
Ministro das Obras Publicas, Lisbon.

Sir,

London, 25 January 1858.

I HAD the pleasure of addressing your Excellency upon the 24th ult., but as yet I have not had the honour of a reply.

The letters which I receive from Lisbon are of so conflicting a nature, that I can hardly be expected to detain my ships longer for the proposed African service, but as it is one in which your Excellency takes a very deep interest, I am anxious to receive a reply to the above before I decide otherwise with them.

To His Excellency Carlos Bento,
Ministro das Obras Publicas, Lisbon.

I have, &c.
(signed) *W. S. Lindsay.*

Sir,

London, 16 February 1858.

I HAVE this day received your Excellency's much-esteemed favours, and I cannot but admire the deep interest you take in an undertaking which, while it can hardly fail to yield a fair return under proper management to those who invest their capital in it, must prove of great advantage to Portugal in the development of her important colonial trade. The African trade is destined to be very valuable to Portugal, and I am confirmed in this opinion by Dr. Livingstone, with whom I have had various communications on the subject. As a proof of the good opinion I have of it, I have kept my steamer "Lindsay" here for months waiting the orders of the company; she is ready to start at a day's notice, whenever the company has duly constituted the shares issued, and the necessary documents sent home for the company to take possession, so that the matter now rests entirely in their hands. I could have wished much that no alteration had been made in the conditions named when I was in Lisbon; but as I had great confidence in your Excellency, and as I was anxious to see the undertaking fairly commenced, I wrote to M. Candido de Abreu on the 5th instant, giving him full power to agree to the alterations you had made, provided you felt that you could not consistently with your duty to the public confirm the conditions as they before stood, so that so far as I am concerned, there is no obstacle in the way. I daily expect a telegram from him advising me that all is complete, the contract signed, and the shares issued. After the great delay which has taken place, I trust that the company will complete their arrangements, and place me in a position to order from India the other two steamers necessary for the African service. As your Excellency is aware, I cannot send for them until the company is fully constituted and the capital subscribed. When, therefore, they take possession of the steamer "Lindsay," I shall at once write to India, and order the other two home, and have them fitted with promptitude for the service.

There will be no unnecessary delay on my part.

To His Excellency Carlos Bento da Silva,
Ministro das Obras Publicas, R. and C., Lisbon.

I remain, &c.
(signed) *W. S. Lindsay.*

Sir,

London, 16 March 1858.

ON the 9th instant (the day after the departure of the last mail for Lisbon), I received your esteemed favour of the 28th ult. I did not consider a power of attorney necessary; but as your Excellency has been pleased to recommend that one should be sent, I have forwarded jointly with my friends Messrs. Pinto, Perez & Co. a power to M. Perez, senior, who I expect is in Lisbon at present, and in his absence to M. Flores, either of whom have now full and legal power to act for us, so that so far as I am concerned there is no obstacle to the completion of the company. As the ship "Lindsay" has now waited here so very long, and at so very great an expense to me, and as I have refused other remunerative employment for her, your Excellency must feel that this continued delay is not merely a source of considerable annoyance to me but also of heavy loss. I know that there has been no delay on your part consistent with your duty to the public, but if there is likely to be any further delay on the part of the directors (as there appears to be as I have no telegraph) I am perfectly willing and ready to commence with my ships, and on my own responsibility, the African service, as per my letter to your Excellency of the 24th December last. In fact after all the procrastination and wearisome delay, I would prefer undertaking the whole of the service myself, instead of being longer hampered by others; if, therefore, the Government of Portugal is willing to concede to me the terms named in my letter of the 24th December with some slight modifications as you may consider due to the public, your Excellency has merely to advise me accordingly, and I shall at once commence the African service, and I trust perform it to your entire satisfaction. Should I desire it, my friends Messrs. Pinto, Perez & Co., as well as others interested in the trade of Portugal and her settlements, will be quite ready to join me.

To His Excellency Carlos Bento da Silva,
Ministro das Obras Publicas, Lisbon.

I am, &c.
(signed) *W. S. Lindsay.*

Sir,

London, 5 April 1858.

I HAVE this morning received your much esteemed note of the 28th ultimo, but as yet I have no telegraph announcing the facts that the statutes of the company are signed. My power of attorney and of M. Perez have been at Lisbon these last 14 days, so that, so far as we are concerned, there is no obstacle in the way.

The first ship, the "Lindsay," is here all ready, and has been complete these last four months, to start at a day's notice to commence the Azores service, and she will be dispatched the moment the company send to me the payments for her, as arranged: one-half in cash or credits bearing interest, at their option, and one-half in shares; and there will not be one hour's delay on my part. Whenever this is completed, I shall give orders for the other two ships to return to this country, to be fitted for the African service.

Allow me again to thank your Excellency for the great courtesy and attention you have shown in writing to me, and for the interest you take in the undertaking.

His Excellency Carlos Bento da Silva,
&c. &c. &c.

Believe me, &c.
(signed) W. S. Lindsay.

(Confidential.)

Dear Sir,

London, 26 May 1858.

I THINK it right to bring confidentially under your Excellency's notice the main features of the correspondence which has passed on the subject of the Steam Company, since last I had the pleasure of addressing you, and for that purpose I enclose it herewith, as it may be useful for your guidance.

Your Excellency will at once see that I could not agree to the very unreasonable conditions proposed to me on the 28th April, and you will note that my reasons are fully given in my reply to M. Perez. May I also call your attention in particular to my reply by this mail to the letter from M. Abreu. I am anxious that when the undertaking is commenced, there should be no obstacles in the way to its proper and efficient working, so that the service may be performed to the entire satisfaction of the Portuguese Government. As a guarantee that this will be done, the whole capital must be subscribed and paid up in the manner set forth in my letter to M. Abreu. Unless this is done, there is really no guarantee that the service can be carried out fully. I felt this from the very first, and therefore I made it a clear condition in my agreement with those who are to act as directors at Lisbon, that in consideration of their risk and trouble in doing this, they were to receive one-half of the bonus, and that they were not to receive it until this was done. I think it right and proper that your Excellency should have those facts brought under your notice. If these gentlemen are not prepared to carry out this important condition, then I am quite ready to carry out the whole of the African service myself. The delay has been very great, and I have kept my ship here for many months, at a great expense to myself. And your Excellency will see that I, as a prudent man, cannot order home the other two steamers and fit them for the service till the company is fully constituted and the capital paid up, and if that is not or cannot be done till the contract is placed solely in my hands. I trust that this matter, after so great a delay, if it has not been so already, will be brought to the point on receipt of this.

To His Excellency Carlos Bento da Silva,
&c. &c. &c.

I am, &c.
(signed) W. S. Lindsay.

P.S.—As all is complete so far as your Government is concerned, and as the public will naturally expect that the service should be commenced forthwith, your Excellency will perhaps, on receipt of this, inquire and see if the company is prepared to carry out the conditions named in the enclosed letters, and if not, adopt such steps as you may deem best. I may merely add, for your Excellency's guidance, that unless those conditions to which I have referred are fully carried out, I cannot transfer the "Lindsay" to the company, nor order home the other two ships; and the company, after the very great delay, can hardly expect me to wait much longer for their convenience.

W. S. L.

COPY of LETTERS written by Mr. W. S. Lindsay to His Excellency Sir Arthur C. Magenis, K.C.B.

My dear Sir Arthur,

Bregança Hotel, Lisbon, 1 January 1863.

I AM much obliged to you for allowing me to read the letter of the 30th ultimo, which the Duke of Loulé addressed to you on the subject of my claims upon the Government of Portugal; but by that letter it would appear that the whole of the facts have not been brought under the notice of his Excellency.

I have made no legal claim upon the Government of Portugal for the value of the debenture of which I am a holder; but if I have not a legal, I have at least a moral claim for the following reasons:—

1st. Because I was invited by the Minister of Public Works to promote the undertaking, which he informed me in his letters “would prove of much benefit to the State and the shareholders;” and,

2dly. Because although the undertaking was started mainly through my capital, and has proved of much benefit to the State, it has proved a serious loss to me, for I have not received any interest on the large amount of money I invested on the invitation and recommendation of the Minister of Public Works.

I have also much reason to feel aggrieved with the conduct of the directors and the decisions of the Portuguese courts of law in regard to the debentures:—

1st. Because as an excuse for not paying the stipulated interest and reduction of these debentures, the company raised frivolous counter-claims against me. I say “frivolous,” because, when in your presence in the course of last month, I produced to the president the numerous letters which he and the other directors had addressed to me, and the certificates and deeds which they and their agents had signed, expressing the fullest satisfaction with the ships I had supplied to the company, he had not one word to say in reply.

2dly. Because I was driven into a court of law to recover the value of the debentures, and though the bond which the directors signed expressly states, and the debentures distinctly stipulate that I am to have “a preference right over all the assets of the company,” the embargo under that power which I placed upon one of the ships of the company was withdrawn, and I was thus, contrary to the express stipulations of these documents, and I believe to the statute laws of Portugal, deprived of that right, and have no appeal.

And 3d. Because in the action which I was compelled to bring against the company, though the jury gave a verdict in my favour, it is true the judge pronounced a sentence against me, from which I have no appeal, and which Mr. Herries, in his report to Lord Russell, states was “manifestly absurd.”

In regard to the question of the shares, I admit I would have had no legal claim upon the Government of Portugal, had the Government not been a consenting party to numerous illegal acts, and to the violation of the statutes of the company, on the faith of which I and other British subjects invested their capital. Against these illegal acts, we solemnly protested. We did so in writing, and we handed our protest to the president of the company in the presence of the Commissioner appointed by Her Majesty’s Government to attend the meetings of the company, and to watch over its affairs as specially provided by the 20th Article of the contract of concession, and by the contract which the Government made on the 5th January 1861.

These illegal acts are set forth at great length in a memorial to His Most Faithful Majesty the King of Portugal. We hold the Government responsible to us, because by its own acts it has taken upon itself the responsibility:—

1st. By sanctioning the repudiation of the conditions of Articles 10, 13, 18, 22, 24, 26, 27, 28, 29, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, and 45 of the statutes, all of which illegal acts are confirmed by the recorded minutes and proceedings of the company, and in the presence of the commissioner and fiscal appointed by the Portuguese Government to attend these meetings.

2dly. By allowing the directors to create votes contrary to law, and the president to vote in the name of the company with unissued shares in violation of law and justice.

3dly. By confirming by the law of the 30th March, and by the Royal Decree of the 10th September 1861 (to which his Excellency refers) the illegal acts of the directors.

4thly. By granting a loan contrary to the conditions of the statutes, and without the approval of a general assembly of the shareholders of the company.

5thly. By allowing the proceeds of that loan to be used for purposes not sanctioned by the general assembly.

6thly. By delivering the money to persons illegally elected, and not authorised by a general assembly to receive it for the company; and,

7thly. By requiring and accepting as security for the loan the property of the company, and the subvention granted to it for the conveyance of the mails, neither of which the directors had any power to alienate, except in conformity with the statutes, and with the approval of the general assembly. And I must protest against the Government attempting to touch the property of the company, or to withhold the subvention for the purpose of repaying to itself this so-called debt, which it has contracted with the persons who received it, and not with the Royal Union Mercantile Company.

The Government of Portugal, therefore, by authorising and approving numerous illegal acts, and thereby injuring the rights and legitimate interests of those persons who
protested

protested against these acts, and depriving them of the guarantees which the observance of the laws would have given them, has rendered itself responsible to those shareholders.

This is not merely my opinion, but it is the opinion also of every person familiar with the facts with whom I have conversed on the subject. It is confirmed by five of the leading lawyers of Portugal, who have in the most minute manner gone into the whole case, knowing that their written opinions would be handed to you to be forwarded to Earl Russell. And I am informed that no impartial person, can, with the facts before him, arrive at any other conclusion.

I am, however, still quite ready on my own part and on the part of the English shareholders, whom I represent, to settle our claims with the Government in an amicable and liberal spirit. I am also quite prepared to allow my capital to remain in the undertaking, provided the company is re-organised. With that object in view, I shall remain here a week longer from this date, ready to meet any person or persons the Government may authorise to negotiate with me, with, of course, the understanding that whatever we decide upon, subject to the confirmation of the Cortes, is to be adopted by the Government of His Most Faithful Majesty. But if this offer to come to an amicable settlement be not accepted within the stipulated time, my present offer is in no respect to prejudice my full and valid rights.

But in any re-organization of the company there would require to be an entire change of persons now connected with it:—

1stly. Because those persons do not now represent the majority of the shareholders.

2dly. Because they hold their office as directors illegally.

3dly. Because they have abused the trusts confided to them.

4thly. Because besides the bonus which the directors appropriated to themselves they have expended up to the 31st March last under the head of "interests discounts and difference of exchange," no less a sum than 73,734,429 reis.

5thly. Because they have up to that date taken for their own use, without the sanction of the general assembly 21,026,429 reis under the name of "guarantees."

6thly. Because they have also taken for their own use under the head of "bonus," "gratifications," and so forth, large sums from the coffers of the company.

7thly. Because two of them, Edward Medlicott the president, and José Antonio Serzedillo, one of the directors, with another person not connected with the Company, did in my opinion most wrongfully accept for their alleged services the sum of 2,000 £, on the sale to the company, for which they were acting in trust of the steam ship "Hope," and lastly;—

Because for numerous other reasons I have and can have no confidence in them.

If the Government of Portugal is not willing to meet me, then I have no course left but to return to England and take steps to have the facts and all the correspondence brought under the notice of Parliament. The case is one, or rather by the acts of the directors, approved and confirmed by the Government of Portugal has been made one of an international character.

Lord Russell, as you are aware, has already ordered an inquiry into the case, and when all the facts are before his Lordship, I think he will not hesitate to step forward and protect English subjects from manifest wrong and from the injury which they have sustained through the illegal acts to which I have referred, and also claim compensation on their behalf.

To His Excellency
Sir Arthur C. Magenis, K.C.B.

I am, &c.
(signed) *W. S. Lindsay.*

COPY of LETTER from *M. Pinto Basto* to *Mr. W. S. Lindsay*, enclosing Report of Committee.

Dear Sir,

46, Upper Baker-street, 9 July 1864.

I HEREBY beg to hand you four Diarios do Lisbon (Portuguese official papers), Nos. 140 to 143, which contain the opinion of the committee, named by the Portuguese Government on the 14th January 1863, to inquire into the proceedings of the directors, &c. of the Union Mercantile Company.

I have read them myself, and as far as it goes (for it is not concluded in these four numbers), I plainly see that the whole proceedings of the directors, managers, &c. have been illegal from the very beginning.

It is the opinion of the committee that there never was, except on the 15th April 1862, a general meeting legally convoked, and in that meeting the president having voted with 35 votes, to which he had no right, and thus electing the Board with 212 votes against 197, caused all the acts of the said Board to be illegal, because deducting from this 212 the 35, remain 177, and this would have changed the election altogether.

The director, Silveria, never paid for a single share, but notwithstanding voted with 218 shares, which the directors took on themselves to deliver to him against the express laws of the company before they were paid for.

I must note here that it being one of the conditions that each director should deposit in the coffers of the company 20 shares, the committee find in the register book that shares were deposited before the company had had the shares printed, and one of the directors deposited shares, which numbers were only sold more than a year after; also all the minutes, with a few exceptions of the Board, have one signature less than the necessary ones to make them legal.

In the cash they find that after a certain date, a proposal was made and carried in a meeting of the Board by one of the directors, that payments might be made without any document; they also find many documents, of those few that do exist, one made by the cash-keeper himself, and sometimes mention private expenses of directors or clerks.

It would be useless for me to try in a letter to give you even an idea of the opinion the Committee form of the whole proceedings; in one word, they do not find a single book in order.

I will only add that if I had been in the place of one of the directors, I certainly, after this publication, would not appear in Lisbon.

I will not try to say more on this subject, for without the whole being translated it is impossible for you to form an idea of how many truths the opinion of the committee contains.

W. S. Lindsay, Esq.

I remain, &c.
(signed) *Hend. Fer Pinto Basto.*

Enclosure 4, in No. 45.

MINISTRY of PUBLIC WORKS.

Commerce and Industry Department of the Board of Trade.—1st Section.

WHEREAS the undertaking that bound itself by the contracts of the 5th May 1858, 12th April 1860, and 5th January 1861, to perform the regular steam services between Lisbon, the Azores, Algarve, and Western Africa, formed itself into a limited liability company under the denomination of "Union Mercantile Company," by virtue of statutes approved by decree after 14th May 1858.

Whereas, by Article 5th of these statutes, it was stipulated that the capital of the company would be 450,000,000 reis, represented by 5,000 shares 90,000 reis each, and that subsequently this article was altered, raising the capital to 900,000,000 reis, represented by 10,000 shares of the same value, which alteration was approved by the decree of the 23d May 1859.

Whereas, by the decree of the 28th September 1859, the company was allowed to issue debentures payable to bearer of 450,000 reis each, bearing interest at the rate of 6% per annum, and amortisation at the rate of 12% annually.

Whereas, in order to facilitate the issue of the shares, the law of the 30th March 1861 was passed, guaranteeing a minimum interest to the company of 6% per annum, and the law of the 10th September 1861 raised this interest to 7%.

Whereas, of these 10,000 shares representing the social fund, the company only succeeded in issuing 4,002, representing 360,180,000 reis, a sum inferior even to the primitive capital.

Whereas the company issued 161 debentures, amounting to 72,450,000 reis, for part payment of the price of their steamers.

Whereas this deficiency of paid-up capital placed the company in peculiar circumstances, and was forced,—

1st. To have recourse to credit by raising large sums in the Bank of Portugal, the Mercantile Commercial and Utilidade Publica Banks, under the personal liability of some of their directors.

2dly. To solicit from Government important pecuniary assistance, obtaining a loan of 450,000,000 reis by contract of the 24th October 1861, and sundry other supplies to the amount of more than 200,000,000 reis.

3dly. To petition Government, sometimes to take the remaining number of shares so as to complete the raising of the capital, and at other times soliciting the subsidy to be raised, without which the company could not exist, and would be obliged to liquidate.

Whereas, owing to the deficiency of capital, they also were unable to employ on the Algarve line more than one steamer; whereas by Article 2d of the law of the 30th March 1861 they are bound to have two; and also were not able on the African line since 1860 to perform the 12 round voyages required by condition 13th of the contract of the 5th May 1858.

Whereas the company, in the years 1861 to 1862 and from 1862 to 1863, closed their balances with a deficit, and Government was obliged to pay the minimum interest guaranteed by the laws of the 30th March and 10th September 1861.

Whereas the company was not only incapable of raising the capital named in the statutes,

statutes, which it did not do, but they were not able in the last subscription opened to raise it to the sum of 1,350,000,000 reis, in order to re-organise itself in such conditions as to avail itself of the benefit of the law of the 13th July 1863.

Whereas the results of this subscription are so much more to be noticed, insomuch, as by the aforesaid law of the 13th July, the subsidy was raised to 160,000,000 reis, 6 per cent. interest is guaranteed to the shareholders, and when re-organized Government would be the largest shareholder.

Whereas the capital is absolutely indispensable to enable the undertaking to meet its engagements.

Whereas the capital in all limited liability companies, is the only real and effective guarantee of the public interests, which the law confided to the supreme supervision of the Government.

Whereas the Government exhausted all means of protection, help and indulgence, and ought not to authorise any longer the limited liability company that requires the first and fundamental condition for its legal existence.

I hereby withdraw the royal assent granted to the statutes of the "Union Mercantile Company" by the decrees of the 14th May 1858, 28th September 1859 and 23d May 1860, the said company only subsisting as a limited liability company for the purpose of performing the indispensable acts for its liquidation, on the terms of its social laws and the laws of the kingdom, &c. &c.

Palace, 25 May 1864.

(signed) *The King.*

(signed) *Joas Chrysostomo Albrere Souza.*

— No. 46. —

COPY of LETTER from Mr. *Layard*, M.P., to Mr. *Lindsay*, M.P.

Sir,

Foreign Office, 11 August 1864.

I AM directed by Earl Russell to acknowledge the receipt of your letters of the 16th of June and 20th of July, informing him of the failure of the arrangements which you had hoped to make for the settlement of your claims upon the Uniaõ Mercantil Company, and inclosing Dr. Twiss' opinion upon the merits of your case.

I am to acquaint you, in reply, that these papers have been most carefully considered by the law officers of the Crown, who have had the advantage of personal communication with Dr. Twiss, and that they adhere to the opinion which they have throughout maintained, that there are no circumstances in this case which can justify the official interference of Her Majesty's Government on your behalf with the Government of Portugal.

Lord Russell, however, considers that you have a fair claim upon the liberality of the Portuguese Government for their favourable consideration of any new arrangements which you may wish to propose to them, and by which your position can be improved; and any such proposals shall be unofficially supported by the good offices of Her Majesty's Minister at Lisbon.

I have, &c.

Mr. W. S. Lindsay,
8, Austin Friars, City.

(signed) *A. H. Layard.*

— No. 47. —

COPY of DESPATCH from the Right Hon. Earl *Russell* to Sir *A. C. Magenis*.

Sir,

Foreign Office, 11 August 1864.

I TRANSMIT to you herewith a copy of a letter from Mr. *Lindsay*, informing me of the failure of the arrangements which he had hoped to make for the settlement of his claims upon the Uniaõ Mercantil Company, and asking for the official intervention of Her Majesty's Government in his favour.

551.

X

I also

June 16.

11 Aug. 1864.

I also enclose a copy of the reply which has been returned to Mr. Lindsay's letter, by which you will learn that Her Majesty's Government cannot authorise you to interfere officially in the case; but I have to instruct you to take an opportunity of stating, unofficially, to the Duke de Loulé that Her Majesty's Government consider that Mr. Lindsay has a fair claim upon the liberality of the Portuguese Government for their favourable consideration of any new arrangements which he may wish to propose to them, with the view of improving his position; and you may lend to any such proposals the unofficial support of your good offices.

To Sir A. C. Magenis.

I have, &c.
(signed) *Russell.*

COPY of the CORRESPONDENCE and PAPERS
relating to the CLAIMS of British Subjects on
the Government of *Portugal* in respect of the
ROYAL UNION MERCANTILE COMPANY.

(*Mr. Ayrton.*)

Ordered, by The House of Commons, to be Printed,
27 July 1864.

[*Price 1s. 6 d.*]

551.

Under 16 oz.

799

CONVENTION

BETWEEN

HER MAJESTY

AND THE

KING OF PRUSSIA,

FOR THE

MUTUAL SURRENDER OF CRIMINALS.

Signed at London, March 5, 1864.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
PRINTED BY HARRISON AND SONS.

CONVENTION between Her Majesty and the King of Prussia, for the Mutual Surrender of Criminals.

Signed at London, March 5, 1864.

[Ratifications exchanged at London, April 11, 1864.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Prussia, having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; their said Majesties have named as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Majesty's Most Honourable Privy Council, Her Principal Secretary of State for Foreign Affairs;

And His Majesty the King of Prussia, His Excellency the Minister of State, Albert Count of Bernstorff-Stintenburg, Grand Cross of the Order of the Red Eagle with oak leaves, and Grand Commander of the Royal Order of the House of Hohenzollern in diamonds, &c., &c., His Ambassador Extraordinary and Plenipotentiary to Her Britannic Majesty;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

It is agreed that the High Contracting Parties shall, on requisition made in their name through the medium of their respective Diplomatic Agents, deliver up to justice

Nachdem Ihre Majestät die Königin des Vereinigten Königreichs von Großbritannien und Irland, und Seine Majestät der König von Preußen, Behufs besserer Verwaltung der Rechtspflege und zur Verhütung von Verbrechen, innerhalb Ihrer gegenseitigen Gebiete und Gerichtsbarkeiten es für zweckmäßig befunden haben, daß Personen, welche der in diesem Vertrage aufgeführten Verbrechen beschuldigt, oder wegen solcher verurtheilt und vor der Justiz flüchtig geworden sind, unter bestimmten Umständen gegenseitig ausgeliefert werden sollen; so haben Ihre eben gedachten Majestäten Behufs Abschließung einer desfalligen Uebereinkunft zu Ihren Bevollmächtigten ernannt und zwar:

Ihre Majestät die Königin des Vereinigten Königreichs von Großbritannien und Irland, den sehr ehrenwerthen Johann Grafen Russell, Viscount Amberley von Amberley und Ardsalla, Pair des Vereinigten Königreichs, Ritter des höchst edlen Ordens vom Hosenbande, Mitglied Ihrer Majestät höchst ehrenwerthen Geheimen Raths, Allerhöchstihren Haupt-Staats-Secretair für die auswärtigen Angelegenheiten;

Und Seine Majestät der König von Preußen, Seine Excellenz den Staatsminister Albrecht Grafen von Bernstorff-Stintenburg, Großkreuz des Rothen Adler-Ordens mit Eichenlaub und Groß-Komthur des Königlichen Haus-Ordens von Hohenzollern in Brillanten, etc., etc., Allerhöchstihren außerordentlichen und bevollmächtigten Botschafter bei Ihrer Großbritannischen Majestät;

Welche, nachdem sie sich gegenseitig ihre Vollmachten mitgetheilt, und dieselben in guter und gehöriger Form befunden, die folgenden Artikel vereinbart und abgeschlossen haben:—

Artikel I.

Die hohen contrahirenden Theile verpflichten sich, auf Requisitionen, welche in Ihrem Namen durch Ihre diplomatischen Agenten erlassen werden, der Justiz diejenigen Personen auszuliefern,

persons who, being accused or convicted of any of the following crimes, namely:

1. Murder, comprehending the crimes of assassination, parricide, infanticide, and poisoning;

2. Attempt to commit murder;

3. Forgery, comprehending the counterfeiting of bank-notes, or public securities, or money;

4. Fraudulent bankruptcy;

5. Burglary (*Nächtlicher Einbruch und Eindringen in ein Wohnhaus oder dazu gehöriges Nebengebäude mit der Absicht ein Verbrechen zu begehen*);

6. Robbery with violence to the person robbed;

7. Larceny or embezzlement by clerks and servants (*Diebstahl oder Unterschlagung durch öffentliche oder Privat-Beamte, Geschäftsgehülfen und Gesinde*);

committed within the jurisdiction of the requiring Party, shall be found within the territories of the other, provided that such persons are not subjects of the Party upon whom the requisition is made. Provided also, that in the case of a person accused, the surrender shall be made only when the commission of the crime shall be so established, as that the laws of the country where the fugitive or person so accused shall be found would justify his apprehension and commitment for trial, if the crime had been there committed; and that in the case of a person convicted, the surrender shall be made only on the production of an authenticated copy of his conviction, and on proof of his identity.

Consequently, on the part of the Prussian Government, the surrender shall be made only by the consent of the Minister to whose Department appertains the administration of justice, and after the production, in the case of a person accused, of a warrant of arrest or other equivalent judicial document, issued by a Judge or other competent authority in the United Kingdom, clearly setting forth the acts for which the fugitive shall have rendered himself accountable; or, in the case of a person convicted, on the production of an authenticated copy of his conviction, and on proof of his identity.

On the part of the British Government, the surrender, in the case of a person accused, shall be made only on the warrant or other equivalent judicial document for the arrest of a fugitive, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the fugitive in Prussia, and on duly authenticated depositions or statements on oath before such Judge or Magistrate, clearly setting forth the said acts, or on such other evidence thereof as, accord-

welche der nachstehenden Verbrechen beschuldigt, oder wegen solcher verurtheilt sind, nämlich:

1. Mord mit Inbegriff des Mordmordes, Vaternordes, Kindermordes, und Giftmordes;

2. Mordversuch;

3. Fälschung mit Inbegriff der Nachbildung von Banknoten oder öffentlichen Werthpapieren oder Münzen;

4. Betrügllicher Bankerott;

5. Nächtlicher Einbruch und Eindringen in ein Wohnhaus oder dazu gehöriges Nebengebäude mit der Absicht ein Verbrechen zu begehen (*Burglary*);

6. Raub mit Gewaltthätigkeit gegen die beraubte Person;

7. Diebstahl oder Unterschlagung durch öffentliche oder Privat-Beamte, Geschäftsgehülfen und Gesinde (*Larceny or embezzlement by clerks and servants*);

wenn dergleichen strafbare Handlungen innerhalb der Gerichtsbarkeit des requirirenden Theiles begangen sind, und die Beschuldigten oder verurtheilten Personen in dem Gebiete des anderen Theiles betroffen werden. Unterthanen des requirirten Theiles werden jedoch nicht ausgeliefert. Auch soll die Auslieferung eines Beschuldigten nur erfolgen, wenn die Verübung des Verbrechens in so weit bewiesen ist, daß nach den Gesetzen des Landes, wo der Flüchtling oder das so beschuldigte Individuum betroffen wird, dessen Verhaftung und Stellung vor Gericht gerechtfertigt sein würde, im Falle das Verbrechen dort verübt wäre.

Die Auslieferung eines Verurtheilten soll nur nach erfolgter Vorlegung einer beglaubigten Abschrift des Urtheils und nach Feststellung seiner Identität erfolgen.

Die Auslieferung soll daher Preussischer Seits nur mit Zustimmung des Justiz-Ministers erfolgen, und zwar: wenn es sich um einen Beschuldigten handelt, nach Vorbringung eines von einem Richter oder einer anderen zuständigen Behörde des Vereinigten Königreichs erlassenen Haftbefehls, oder eines anderen demselben gleich zu achtenden richterlichen Dokuments, welches die strafbaren Handlungen, deren sich der Flüchtling schuldig gemacht haben soll, genau bezeichnet.

Die Auslieferung eines Verurtheilten erfolgt nur auf Vorbringung einer beglaubigten Abschrift des Urtheils und nach Feststellung seiner Identität.

Großbritannischer Seits erfolgt die Auslieferung eines Beschuldigten nur auf Grund eines gerichtlichen Haftbefehls, oder eines anderen, dem gleich zu achtenden, die Verhaftung eines Flüchtlings anordnenden Dokuments, wenn dasselbe von einem Richter oder obrigkeitlichen Beamten ausgefertigt ist, welcher in Preussen die dem Beschuldigten zur Last gelegten strafbaren Handlungen zu verfolgen gesetzlich berufen ist. Zugleich müssen gehörig beglaubigte, vor einem solchen Richter oder obrigkeitlichen Beamten

ing to the laws of England, would warrant the apprehension of the said fugitive, and his committal for trial for the said acts, if they had been therein committed; or, in the case of a person convicted, on the production of an authenticated copy of his conviction, and on proof of his identity.

ARTICLE II.

The expenses of any detention and surrender made in virtue of the preceding Article shall be borne and defrayed by the Government in whose name the requisition shall have been made.

ARTICLE III.

The present Convention shall come into operation as soon as the necessary Legislative Acts shall have been passed. Either of the High Contracting Parties shall be at liberty to give notice to the other at any time for its termination; and in such case it shall altogether cease and determine at the expiration of six months from the date of such notice.

ARTICLE IV.

The present Convention shall be ratified, and the ratifications shall be exchanged at London in one month, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at London, the fifth day of March, in the year of our Lord one thousand eight hundred and sixty-four.

(L.S.) RUSSELL.

(L.S.) BERNSTORFF.

eidlich erhärtete Zeugen-Aussagen beigebracht werden, welche die gedachten strafbaren Handlungen genau feststellen, oder es müssen für die letzteren solche Beweismittel beigebracht werden, welche nach Englischen Gesetzen erforderlich sein würden, um den Flüchtling, wenn er die That in England begangen hätte, zu verhaften und vor Gericht zu stellen.

Die Auslieferung eines Verurtheilten erfolgt nur nach Beibringung einer beglaubigten Abschrift des Urtheils und nach Feststellung seiner Identität.

Artikel II.

Die Kosten jeder auf Grund des vorstehenden Artikels erfolgten Verhaftung und Auslieferung werden von derjenigen Regierung getragen, beziehungsweise erstattet, in deren Namen der Auslieferungs Antrag gestellt ist.

Artikel III.

Die gegenwärtige Uebereinkunft soll nach Erfüllung der verfassungsmässigen Formen und Vorschriften in Kraft treten. Die Kündigung steht jedem der hohen contrahirenden Theile jeder Zeit frei und sechs Monate nach dem Tage der erfolgten Kündigung verliert die gegenwärtige Uebereinkunft ihre Kraft.

Artikel IV.

Die gegenwärtige Uebereinkunft soll ratificirt, und die Ratificationen sollen zu London innerhalb Monatsfrist, oder wenn möglich, früher ausgetauscht werden.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten die gegenwärtige Uebereinkunft unterzeichnet und mit ihren Wappen unterschrieben.

So geschehen zu London, am fünften März, im Jahre des Herrn ein Tausend acht Hundert und vier und sechzig.

(L.S.) Russell.

(L.S.) Bernstorff.

PRUSSIA.

CONVENTION between Her Majesty and the King
of Prussia, for the Mutual Surrender of Criminals.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON :

PRINTED BY HARRISON AND SONS.

825
TREATY AND CONVENTION

FOR THE

REDEMPTION

OF THE

S C H E L D T T O L L .

1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:
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INDEX.

	Page.	
	Original.	Translation.
Treaty between Great Britain, Austria, Brazil, Chile, Denmark, Spain, France, Hanover, Italy, Oldenburg, Peru, Portugal, Prussia, Russia, Sweden and Norway, Turkey, and the Hans Towns, on the one part, and Belgium on the other part, for the Redemption of the Scheldt Toll. Signed at Brussels, July 16, 1863	1	6
Annexes:—		
Treaty between Belgium and Holland. Signed at the Hague, May 12, 1863 ..	5	10
Protocol, July 15, 1863	6	11
Convention between Her Majesty and the King of the Belgians, to complete the Arrangements for the Redemption of the Scheldt Toll. Signed at Brussels, August 3, 1863	13	13

TREATY between Great Britain, Austria, Brazil, Chile, Denmark, Spain, France, Hanover, Italy, Oldenburg, Peru, Portugal, Prussia, Russia, Sweden and Norway, Turkey, and the Hans Towns, on the one part, and Belgium on the other part, for the Redemption of the Scheldt Toll.

Signed at Brussels, July 16, 1863.

[Ratifications exchanged at Brussels, August 3, 1863.]

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Son Excellence le Président de la République du Chili, Sa Majesté le Roi de Danemark, Sa Majesté la Reine d'Espagne, Sa Majesté l'Empereur des Français, Sa Majesté le Roi de Hanovre, Sa Majesté le Roi d'Italie, Son Altesse Royale le Grand Duc d'Oldenbourg, Son Excellence le Président de la République du Pérou, Sa Majesté le Roi de Portugal et des Algarves, Sa Majesté le Roi de Prusse, Sa Majesté l'Empereur de toutes les Russies, Sa Majesté le Roi de Suède et de Norwège, Sa Majesté l'Empereur des Ottomans, et les Sénats des Villes Libres et Hanséatiques de Lubeck, Brême, et Hambourg, également animés du désir de libérer à jamais la navigation de l'Escaut du péage qui la grève, d'assurer la réforme des taxes maritimes perçues en Belgique, et de faciliter par là le développement du commerce et de la navigation de leurs Etats respectifs, ont résolu de conclure un Traité à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Charles Auguste Lord Howard de Walden et Seaford, Pair du Royaume Uni, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Charles Baron de Hügel, Chevalier de l'Ordre Impérial et Royal de la Couronne de Fer de première classe, Chevalier de l'Ordre Impérial et Royal de Léopold d'Autriche, Grand-Croix de l'Ordre de Saint Joseph de Toscane, Grand Cordon de l'Ordre de Saint Grégoire le Grand, Sénateur Grand-Croix de l'Ordre Constantin de Saint George de Parme, Chevalier de l'Ordre Papal du Christ, Commandeur de l'Ordre Royal de Danebrog de Danemark et de l'Ordre Royal de Wasa de Suède, Officier de l'Ordre de Léopold de Belgique, Chevalier de l'Ordre Royal de l'Aigle Rouge de Prusse, &c., Docteur en Droit de l'Université d'Oxford, Membre Effectif des Academies Impériales des Sciences de Vienne et de Leopoldino Carolina, Président de la Société Impériale d'Horticulture de Vienne, Membre Honoraire et Effectif de beaucoup de Sociétés savantes, Son Conseiller intime actuel, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Sa Majesté le Roi des Belges, le Sieur Charles Rogier, Grand Officier de Son Ordre de Léopold, décoré de la Croix de Fer, Grand Cordon de la Légion d'Honneur, Grand-Croix de l'Ordre des Saints Maurice et Lazare, Grand-Croix de l'Ordre de l'Etoile Polaire, Grand-Croix de l'Ordre de la Branche Ernestine de la Maison de Saxe, Grand-Croix de l'Ordre de Notre Dame de la Conception de Villa Vicosa, Grand-Croix de l'Ordre de l'Aigle Blanc, Grand-Croix de l'Ordre de Charles III, Grand-Croix de l'Ordre de l'Aigle Rouge, Son Ministre des Affaires Etrangères ; et le Sieur Auguste Baron Lambermont, Officier de Son Ordre de Léopold, Grand Cordon de l'Ordre de Saint Stanislaus, Grand

Officier de la Légion d'Honneur, Chevalier de première classe de l'Ordre de Saint Ferdinand d'Espagne, &c., Secrétaire Général du Ministère des Affaires Etrangères ;

Sa Majesté l'Empereur du Brésil, le Sieur Joachim Thomaz do Amaral, Commandeur de Son Ordre Impérial de la Rose, Commandeur de l'Ordre de François I de Naples, Son Ministre Résident près Sa Majesté le Roi des Belges ;

Son Excellence le Président de la République du Chili, Don Manuel Carvallo, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Sa Majesté le Roi de Danemark, le Sieur François Preben, Baron de Bille-Brahe, Chevalier de Son Ordre du Danebrog, Officier de l'Ordre de Léopold de Belgique, Chevalier des Ordres de l'Etoile Polaire de Suède et de l'Aigle Rouge de Prusse, Chambellan et Veneur de Sa Cour, Son Ministre Résident près Sa Majesté le Roi des Belges ;

Sa Majesté la Reine d'Espagne, Don Diego Coello de Portugal y Quesada, Grand Cordon de Son Ordre d'Isabelle la Catholique, Commandeur de Son Ordre de Charles III, Grand Cordon de l'Ordre des Saints Maurice et Lazare, Grand Cordon de l'Ordre de Saint George de Parme, Officier de la Légion d'Honneur, Chevalier de l'Ordre de Saint Jean de Jérusalem, Député aux Cortès, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges et près la Confédération Suisse ;

Sa Majesté l'Empereur des Français, le Sieur Joseph Alphonse Paul, Baron de Malaret, Officier de la Légion d'Honneur, Grand-Croix de l'Ordre des Guelfes du Hanovre, Grand-Croix de l'Ordre de Henri le Lion de Brunswick, Commandeur de nombre extraordinaire de l'Ordre de Charles III d'Espagne, &c., Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Sa Majesté le Roi de Hanovre, le Sieur Boldo Baron de Hodenberg, décoré de la quatrième classe de l'Ordre des Guelfes de Hanovre, Commandeur de l'Ordre du Lion Néerlandais, Ministre Résident de Sa Majesté le Roi de Hanovre près Leurs Majestés le Roi des Belges et le Roi des Pays Bas ;

Sa Majesté le Roi d'Italie, le Sieur Albert Lupi Comte de Montalto, Grand Cordon de l'Ordre des Saints Maurice et Lazare, Grand Cordon de l'Ordre du Lion Néerlandais, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Son Altesse Royale le Grand Duc d'Oldenbourg, le Sieur Geffcken, Chevalier de second classe avec plaque de l'Ordre de la Couronne de Prusse, Officier de l'Ordre Impérial de la Rose du Brésil, Chevalier de la Légion d'Honneur, Docteur en droit, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Son Excellence le Président de la République du Pérou, Don Manuel Yrigoyen, Son Chargé d'Affaires près le Gouvernement de Sa Majesté le Roi des Belges ;

Sa Majesté le Roi de Portugal et des Algarves, le Sieur Joseph Maurice Correa Henriquez Vicomte de Seisal, Membre de Son Conseil, Grand-Croix de Son Ordre du Christ, Commandeur de Son Ordre de Notre Dame de la Conception de Villa Viçosa, Grand-Croix de l'Ordre de Léopold de Belgique, Grand-Croix de l'Ordre du Lion Néerlandais des Pays Bas, Grand-Croix de l'Ordre des Saints Maurice et Lazare d'Italie, Grand-Croix des Ordres de Sainte Anne et de Saint Stanislas de Russie, Grand-Croix de l'Ordre de la Couronne de Fer d'Autriche, Grand-Croix de l'Ordre d'Albert le Valeureux de Saxe, Commandeur de l'Ordre de Danebrog de Danemark, décoré de l'Ordre Impérial Ottoman du Nichan Iftihar de première classe, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges et près Sa Majesté le Roi des Pays Bas ;

Sa Majesté le Roi de Prusse, le Sieur Charles Frédéric de Savigny, Chevalier de Son Ordre de l'Aigle Rouge de seconde classe avec la plaque, Grand-Croix de l'Ordre du Lion de Zaehringen de Bade, Grand Cordon des Ordres de la Branche Ernestine de la Maison de Saxe, d'Anhalt, &c., &c., &c., Son Chambellan et Conseiller Privé actuel, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Sa Majesté l'Empereur de toutes les Russies, le Prince Nicolas Orlow, Chevalier de Son Ordre de Saint Wladimir de troisième classe avec les glaives, Chevalier de Son Ordre de Sainte Anne de seconde classe, Chevalier de Son Ordre de Saint George de quatrième classe, Chevalier de l'Ordre de Saint Jean de Jérusalem, Chevalier de l'Ordre de l'Aigle Rouge de Prusse de troisième classe, Chevalier de l'Ordre de la Couronne de Wurtemberg de troisième classe, Chevalier de l'Ordre de la Maison Saxe-Ernestine de troisième classe, Chevalier de l'Ordre de Léopold d'Autriche de seconde classe, Chevalier de l'Ordre de la Couronne de Fer d'Autriche de seconde classe, Commandeur de l'Ordre du Faucon Blanc de Saxe-Weimar, Son Aide-de-camp Général, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Sa Majesté le Roi de Suède et de Norwège, le Sieur Adalbert de Mansbach, Chevalier de Son Ordre de Saint Olaf de Norwège, Chevalier de l'Ordre de Danebrog de Danemark, Chevalier de l'Ordre de Saint Jean de Jérusalem, Chevalier de l'Ordre de l'Aigle Rouge

de Prusse de troisième classe, Chevalier de l'Ordre du Mérite Civil du Royaume de Saxe, Son Chambellan, Son Ministre Résident près Sa Majesté le Roi des Belges ;

Sa Majesté l'Empereur des Ottomans, Musurus Bey, Fonctionnaire du rang de Bala de Son Gouvernement Impérial, décoré de l'Ordre Impérial de l'Osmanie de la seconde classe, décoré de l'Ordre Impérial du Médjidié de la première classe, Grand Cordon de l'Ordre de Léopold de Belgique, Grand Cordon de l'Ordre de la Croix du Sud du Brésil, Grand-Croix de l'Ordre des Saints Maurice et Lazare, Grand-Croix de l'Ordre du Lion Néerlandais, Grand Commandeur de l'Ordre du Sauveur de Grèce, Son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté le Roi des Belges ;

Et les Sénats des Villes Libres et Hanséatiques de Lubeck, Brême, et Hambourg, le Sieur Geffcken, Chevalier de seconde classe avec plaque de l'Ordre de la Couronne de Prusse, Officier de l'Ordre Impérial de la Rose du Brésil, Chevalier de la Légion d'Honneur, Docteur en droit, Envoyé Extraordinaire et Ministre Plénipotentiaire des dites Villes près Sa Majesté le Roi des Belges ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Les Hautes Parties Contractantes prennent acte :—

1. Du Traité conclu le 12 Mai, 1863, entre la Belgique et les Pays Bas, qui restera annexé au présent Traité, et par lequel Sa Majesté le Roi des Pays Bas renonce à jamais au péage établi sur la navigation de l'Escaut et de ses embouchures par le § 3 de l'Article IX du Traité du 19 Avril, 1839, et Sa Majesté le Roi des Belges s'engage à payer le capital de rachat de ce péage, fixé à 17,141,640 florins.

2. De la déclaration faite au nom de Sa Majesté le Roi des Pays Bas, le 15 Juillet, 1863, aux Plénipotentiaires des Hautes Parties Contractantes, et portant que la suppression du péage de l'Escaut consentie par Sa dite Majesté s'applique à tous les pavillons ; que ce péage ne pourra être rétabli sous une forme quelconque ; et que cette suppression ne portera aucune atteinte aux autres dispositions du Traité du 19 Avril, 1839 ; déclaration qui sera considérée comme insérée au présent Traité, auquel elle restera également annexée.

ARTICLE II.

Sa Majesté le Roi des Belges fait, pour ce qui la concerne, la même déclaration que celle qui est mentionnée au § 2 de l'Article précédent.

ARTICLE III.

Sa Majesté le Roi des Belges prend encore envers les autres Parties Contractantes les engagements suivants, qui deviendront exécutoires à partir du jour où le péage de l'Escaut cessera d'être perçu :—

1. Le droit de tonnage prélevé dans les ports Belges sera supprimé ;
2. Les droits de pilotage dans les ports Belges et dans l'Escaut seront réduits :—
De 20 pour cent pour les navires à voiles ;
De 25 pour cent pour les navires remorqués ;
De 30 pour cent pour les navires à vapeur ;
3. Le régime des taxes locales imposées par la ville d'Anvers sera dans son ensemble dégreuvé.

Il est bien entendu que le droit de tonnage ainsi supprimé ne pourra être rétabli, et que les droits de pilotage et les taxes locales ainsi réduits ne pourront être relevés.

Le Tarif des droits de pilotage et celui des taxes locales à Anvers, abaissés comme il est dit ci-dessus, seront inscrits dans les Protocoles de la Conférence qui a arrêté le présent Traité.

ARTICLE IV.

En considération des dispositions qui précèdent, Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté l'Empereur du Brésil, Son Excellence le Président de la République du Chili, Sa Majesté le Roi de Danemark, Sa Majesté la Reine d'Espagne, Sa Majesté l'Empereur des Français, Sa Majesté le Roi de Hanovre, Sa Majesté le Roi d'Italie, Son Altesse Royale le Grand Duc d'Oldenbourg, Son Excellence le Président de la République du Pérou, Sa Majesté de Roi de Portugal et des Algarves, Sa Majesté le Roi de Prusse, Sa Majesté l'Empereur de toutes les Russies, Sa Majesté le Roi de Suède et de Norwège, Sa Majesté l'Empereur des Ottomans, et les Sénats des Villes Libres

et Hanséatiques de Lubeck, Brême, et Hambourg, s'engagent à payer à Sa Majesté le Roi des Belges, pour leurs quote-parts dans le capital de rachat du péage de l'Escaut, que Sa dite Majesté s'est obligée à compter en entier à Sa Majesté le Roi des Pays Bas, les sommes indiquées ci-après, savoir :—

Pour la quote-part de la Grande Bretagne	..	8,782,320 francs.
„ „ de l'Autriche ..	..	549,360 „
„ „ de Brême ..	..	190,320 „
„ „ du Brésil ..	..	1,680 „
„ „ du Chili ..	..	13,920 „
„ „ du Danemark ..	..	1,096,800 „
„ „ de l'Espagne ..	..	431,520 „
„ „ de la France ..	..	1,542,720 „
„ „ de Hambourg ..	..	667,680 „
„ „ du Hanovre ..	..	948,720 „
„ „ de l'Italie ..	..	487,200 „
„ „ de Lubeck ..	..	25,680 „
„ „ de la Norvège ..	..	1,560,720 „
„ „ d'Oldenbourg ..	..	121,200 „
„ „ du Pérou ..	..	4,320 „
„ „ du Portugal ..	..	23,280 „
„ „ de la Prusse ..	..	1,670,640 „
„ „ de la Russie ..	..	428,400 „
„ „ de la Suède ..	..	543,600 „
„ „ de la Turquie ..	..	4,800 „

Il est convenu que les Hautes Parties Contractantes ne seront éventuellement responsables que pour la part contributive mise à la charge de chacune de elles.

ARTICLE V.

En ce qui regarde le mode, le lieu, et l'époque du paiement des différentes quote-parts, les Hautes Parties Contractantes se réfèrent aux arrangements particuliers qui sont ou seront conclus entre chacune d'elles et le Gouvernement Belge.

ARTICLE VI.

L'exécution des engagements réciproques contenus dans le présent Traité est subordonnée, en tant que de besoin, à l'accomplissement des formalités et règles établies par les lois constitutionnelles de celles des Hautes Parties Contractantes qui sont tenues d'en provoquer l'application, ce qu'elles s'obligent à faire dans le plus bref délai possible.

ARTICLE VII.

Il est bien entendu que les dispositions de l'Article III ne seront obligatoires qu'à l'égard des Puissances qui ont pris part ou qui adhéreront au Traité de ce jour, Sa Majesté le Roi des Belges se réservant expressément le droit de régler le traitement fiscal et douanier des navires appartenant aux Puissances qui sont restées ou resteront en dehors de ce Traité.

ARTICLE VIII.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Bruxelles, avant le 1er Août, 1863, ou aussitôt que possible après ce terme.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs armes.

Fait à Bruxelles, le seizième jour du mois de Juillet, de l'an mil huit cent soixante-trois.

(L.S.) HOWARD DE WALDEN AND
SEAFORD.

(L.S.) B^{ON}. CH. HÜGEL.

(L.S.) CH. ROGIER.

(L.S.) B^N. LAMBERMONT.

(L.S.) J. T. DO AMARAL.

(L.S.) M. CARVALLO.

(L.S.) P. BILLE-BRAHE.

(L.S.) D. COELLO DE PORTUGAL.

(L.S.) MALARET.

(L.S.) VON HODENBERG.

(L.S.) C^{TE}. DE MONTALTO.

(L.S.) M. YRIGOYEN.

(L.S.) V^{TE}. DE SEISAL.

(L.S.) SAVIGNY.

(L.S.) ORLOFF.

(L.S.) ADALBERT MANSBACH.

(L.S.) C. MUSURUS.

(L.S.) GEFFCKEN.

Traité du 12 Mai, 1863, entre la Belgique et les Pays Bas, annexé au Traité Général du 16 Juillet, 1863.

SA Majesté le Roi des Belges et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, s'étant mis d'accord sur les conditions du rachat, par voie de capitalisation, du péage établi sur la navigation de l'Escaut et de ses embouchures par le § 3 de l'Article IX du Traité du 19 Avril, 1839, ont résolu de conclure un Traité spécial à ce sujet, et ont nommé pour leurs Plénipotentiaires :

Sa Majesté le Roi des Belges, le Sieur Aldephonse Alexandre Felix Baron du Jardin, Commandeur de l'Ordre de Léopold, décoré de la Croix de Fer, Commandeur du Lion Néerlandais, Chevalier Grand-Croix de la Couronne de Chêne, Grand-Croix et Commandeur de plusieurs autres Ordres, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près de Sa Majesté le Roi des Pays-Bas ;

Sa Majesté le Roi des Pays-Bas, Messire Paul Van der Maesen de Sombreff, Chevalier Grand-Croix de l'Ordre du Nichan Iftihar de Tunis, Son Ministre des Affaires Etrangères ; le Sieur Jean Rudolphe Thorbecke, Chevalier Grand-Croix de l'Ordre du Lion Néerlandais, Grand-Croix de l'Ordre de Léopold de Belgique, et de plusieurs autres Ordres, Son Ministre de l'Intérieur ; et le Sieur Gérard Henri Betz, Son Ministre des Finances ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les Articles suivants :—

ARTICLE I.

Sa Majesté le Roi des Pays Bas renonce à jamais, moyennant une somme de dix-sept millions cent quarante et un mille six cent quarante florins des Pays Bas, au droit perçu sur la navigation de l'Escaut et de ses embouchures en vertu du § 3 de l'Article IX du Traité du 19 Avril, 1839.

ARTICLE II.

Cette somme sera payée au Gouvernement Néerlandais par le Gouvernement Belge à Anvers ou à Amsterdam, au choix de ce dernier, le franc calculé à 47 $\frac{1}{4}$ cents des Pays Bas, savoir :—

Un tiers sitôt après l'échange des ratifications, et les deux autres tiers en trois termes égaux échéant le 1 Mai, 1864, le 1 Mai, 1865, et le 1 Mai, 1866.

Il sera loisible au Gouvernement Belge d'anticiper les susdites échéances.

ARTICLE III.

A dater du paiement du premier tiers, le péage cessera d'être perçu par le Gouvernement des Pays Bas.

Les sommes non-immédiatement soldées porteront intérêt à 4 pour cent l'an, au profit du Trésor Néerlandais.

ARTICLE IV.

Il est entendu que la capitalisation du péage ne portera aucune atteinte aux engagements qui résultent, pour les deux Etats, des Traités en vigueur en ce qui concerne l'Escaut.

ARTICLE V.

Les droits de pilotage actuellement perçus sur l'Escaut sont réduits :—

De 20 pour cent pour les navires à voiles ;

De 25 „ „ remorqués ; et

De 30 „ „ à vapeur.

Il reste d'ailleurs convenu que les droits de pilotage sur l'Escaut ne pourront jamais être plus élevés que les droits de pilotage perçus aux embouchures de la Meuse.

ARTICLE VI.

Le présent Traité sera ratifié, et les ratifications en seront échangées à la Haye dans le délai de quatre mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires susdits l'ont signé, et y ont apposé leur cachet.

Fait à la Haye, le 12 Mai, 1863.

(L.S.) BARON DU JARDIN. (L.S.) P. VAN DER MAESEN DE SOMBREFF.
(L.S.) THORBECKE.
(L.S.) BETZ.

Protocole annexé au Traité du 16 Juillet, 1863.

LES Plénipotentiaires soussignés s'étant réunis en Conférence pour arrêter le Traité Général relatif au rachat du péage de l'Escaut, et ayant jugé utile, avant de formuler cet arrangement, de s'éclairer sur la portée du Traité conclu le 12 Mai, 1863, entre la Belgique et les Pays Bas, ont résolu d'inviter le Ministre des Pays Bas à prendre place, à cet effet, dans la Conférence.

Le Plénipotentiaire des Pays Bas a bien voulu se rendre à cette invitation, et a fait la déclaration suivante :—

“Le Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi des Pays Bas, déclare, en vertu des pouvoirs spéciaux qui lui ont été délivrés, que la suppression du péage de l'Escaut, consentie par son auguste Souverain dans le Traité du 12 Mai, s'applique à tous les pavillons ; que ce péage ne pourra être rétabli sous une forme quelconque ; et que cette suppression ne portera aucune atteinte aux autres dispositions du Traité du 19 Avril, 1839.

“*Bruxelles, le 15 Juillet, 1863.*

(Signé)

“BARON GERICKE DE HERWYNEN.”

Il a été pris acte de cette déclaration, qui sera insérée ou annexée au Traité Général.

Fait à Bruxelles, le 15 Juillet, 1863.

(L.S.) B^N. GERICKE DE HERWYNEN. (L.S.) HOWARD DE WALDEN AND SEAFORD.

(L.S.) BARON DE HÜGEL.

(L.S.) J. T. DO AMARAL.

(L.S.) M. CARVALLO.

(L.S.) P. BILLE-BRAHE.

(L.S.) D. COELLO DE PORTUGAL.

(L.S.) H. S. SANFORD.

(L.S.) MALARET.

(L.S.) VON HODENBERG.

(L.S.) C^{TE}. DE MONTALTO.

(L.S.) M. YRIGOYEN.

(L.S.) V^{TE}. DE SEISAL.

(L.S.) SAVIGNY.

(L.S.) ORLOFF.

(L.S.) ADALBERT MANSBACH.

(L.S.) C. MUSURUS.

(L.S.) GEFFCKEN.

(L.S.) CH. ROGIER.

(L.S.) B^N. LAMBERMONT.

(Translation.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Chile, His Majesty the King of Denmark, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, His Majesty the King of Hanover, His Majesty the King of Italy, His Royal Highness the Grand Duke of Oldenburg, His Excellency the President of the Republic of Peru, His Majesty the King of Portugal and the Algarves, His Majesty the King of Prussia, His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway, His Majesty the Emperor of the Ottomans, and the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburg, being equally animated with the desire to liberate for ever the navigation of the Scheldt from the toll now imposed upon it, to secure the reform of the maritime taxes collected in Belgium, and thereby to facilitate the development of the commerce and navigation of their respective dominions, have resolved to conclude a Treaty for that purpose, and have named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Charles Augustus Lord Howard de Walden and Seaford, a Peer of the United Kingdom, Knight

Grand Cross of the Most Honourable Order of the Bath, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians ;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Charles Baron de Hügel, Knight of the Imperial and Royal Order of the Iron Crown of the first class, Knight of the Imperial and Royal Order of Leopold of Austria, Grand Cross of the Order of St. Joseph of Tuscany, Grand Cordon of the Order of St. Gregory the Great, Senator Grand Cross of the Constantine Order of St. George of Parma, Knight of the Papal Order of Christ, Commander of the Royal Order of Danebrog of Denmark and of the Royal Order of Wasa of Sweden, Officer of the Order of Leopold of Belgium, Knight of the Royal Order of the Red Eagle of Prussia, &c., Doctor of Laws of the University of Oxford, actual Member of the Imperial Academies of Sciences of Vienna and of Leopoldino Carolina, President of the Imperial Society of Horticulture of Vienna, Honorary and Actual Member of many learned Societies, His Actual Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians ;

His Majesty the King of the Belgians, the Sieur Charles Rogier, Grand Officer of His Order of Leopold, decorated with the Iron Cross, Grand Cordon of the Legion of Honour, Grand Cross of the Order of St. Maurice and St. Lazarus, Grand Cross of the Order of the Polar Star, Grand Cross of the Order of the Ernestine Branch of the House of Saxony, Grand Cross of the Order of Our Lady of the Conception of Villa Viçosa, Grand Cross of the Order of the White Eagle, Grand Cross of the Order of Charles III, Grand Cross of the Order of the Red Eagle, His Minister for Foreign Affairs ; and the Sieur Augustus Baron Lambermont, Officer of His Order of Leopold, Grand Cordon of the Order of St. Stanislaus, Grand Officer of the Legion of Honour, Knight of the first class of the Order of St. Ferdinand of Spain, &c., Secretary General in the Office for Foreign Affairs ;

His Majesty the Emperor of Brazil, the Sieur Joachim Thomas do Amaral, Commander of His Imperial Order of the Rose, Commander of the Order of Francis I of Naples, His Minister Resident to His Majesty the King of the Belgians ;

His Excellency the President of the Republic of Chile, Don Manuel Carvallo, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians ;

His Majesty the King of Denmark, the Sieur Francis Preben, Baron de Bille-Brahe, Knight of His Order of Danebrog, Officer of the Order of Leopold of Belgium, Knight of the Orders of the Polar Star of Sweden and of the Red Eagle of Prussia, Chamberlain and Huntsman of his Court, His Minister Resident to His Majesty the King of the Belgians ;

Her Majesty the Queen of Spain, Don Diego Coello de Portugal y Quesada, Grand Cordon of Her Order of Isabella the Catholic, Commander of Her Order of Charles III, Grand Cordon of the Order of St. Maurice and St. Lazarus, Grand Cordon of the Order of St. George of Parma, Officer of the Legion of Honour, Knight of the Order of St. John of Jerusalem, a Deputy to the Cortes, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians and to the Swiss Confederation ;

His Majesty the Emperor of the French, the Sieur Joseph Alphonse Paul, Baron de Malaret, Officer of the Legion of Honour, Grand Cross of the Order of the Guelphs of Hanover, Grand Cross of the Order of Henry the Lion of Brunswick, Supernumerary Commander of the Order of Charles III of Spain, &c., His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians ;

His Majesty the King of Hanover, the Sieur Boldo, Baron de Hodenberg, decorated with the fourth class of the Order of the Guelphs of Hanover, Commander of the Order of the Netherland Lion, Minister Resident of His Majesty the King of Hanover to Their Majesties the King of the Belgians and the King of the Netherlands ;

His Majesty the King of Italy, the Sieur Albert Lupi, Count de Montalto, Grand Cordon of the Order of St. Maurice and St. Lazarus, Grand Cordon of the Order of the Netherland Lion, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians ;

His Royal Highness the Grand Duke of Oldenburg, the Sieur Geffcken, Knight of the second class with badge of the Order of the Crown of Prussia, Officer of the Imperial Order of the Rose of Brazil, Knight of the Legion of Honour, Doctor of Laws, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians ;

His Excellency the President of the Republic of Peru, Don Manuel Yrigoyen, His Chargé d'Affaires to the Government of His Majesty the King of the Belgians ;

His Majesty the King of Portugal and the Algarves, the Sieur Joseph Maurice Correa Henriquez, Viscount of Seisal, a Member of His Council, Grand Cross of His Order of Christ, Commander of His Order of Our Lady of the Conception of Villa Viçosa, Grand Cross of the Order of Leopold of Belgium, Grand Cross of the Order of the Netherland

Lion, Grand Cross of the Order of St. Maurice and St. Lazarus of Italy, Grand Cross of the Orders of St. Anne and St. Stanislaus of Russia, Grand Cross of the Order of the Iron Crown of Austria, Grand Cross of the Order of Albert the Valorous of Saxony, Commander of the Order of Danebrog of Denmark, decorated with the Imperial Ottoman Order of Nihan Iftihar of the first class, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians and His Majesty the King of the Netherlands ;

His Majesty the King of Prussia, the Sieur Charles Frederick de Savigny, Knight of His Order of the Red Eagle of the second class with the badge, Grand Cross of the Order of the Lion of Zaehringen of Baden, Grand Cordon of the Orders of the Ernestine Branch of the House of Saxony, of Anhalt, &c., &c., &c., His Chamberlain and Actual Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians ;

His Majesty the Emperor of all the Russias, the Prince Nicholas Orloff, Knight of His Order of St. Wladimir of the third class with the swords, Knight of His Order of St. Anne of the second class, Knight of His Order of St. George of the fourth class, Knight of the Order of St. John of Jerusalem, Knight of the Order of the Red Eagle of Prussia of the third class, Knight of the Order of the Crown of Wurtemberg of the third class, Knight of the Order of the Saxe-Ernestine House of the third class, Knight of the Order of Leopold of Austria of the second class, Knight of the Order of the Iron Crown of Austria of the second class, Commander of the Order of the White Falcon of Saxe-Weimar, His Aide-de-camp General, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians ;

His Majesty the King of Sweden and Norway, the Sieur Adalbert de Mansbach, Knight of His Order of St. Olaf of Norway, Knight of the Order of Danebrog of Denmark, Knight of the Order of St. John of Jerusalem, Knight of the Order of the Red Eagle of Prussia of the third class, Knight of the Order of Civil Merit of the Kingdom of Saxony, His Chamberlain, His Minister Resident to His Majesty the King of the Belgians ;

His Majesty the Emperor of the Ottomans, Musurus Bey, a Functionary of the rank of *Bala* of His Imperial Government, decorated with the Imperial Order of the Osmanie of the second class, decorated with the Imperial Order of the Medjidie of the first class, Grand Cordon of the Order of Leopold of Belgium, Grand Cordon of the Order of the Southern Cross of Brazil, Grand Cross of the Order of St. Maurice and St. Lazarus, Grand Cross of the Order of the Netherland Lion, Grand Commander of the Order of the Redeemer of Greece, His Ambassador Extraordinary and Plenipotentiary to His Majesty the King of the Belgians ;

And the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburg, the Sieur Geffeken, Knight of the Second Class with badge of the Order of the Crown of Prussia, Officer of the Imperial Order of the Rose of Brazil, Knight of the Legion of Honour, Doctor of Laws, Envoy Extraordinary and Minister Plenipotentiary of the said Cities to His Majesty the King of the Belgians ;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles :—

ARTICLE I.

The High Contracting Parties place upon record :—

1. The Treaty concluded on the 12th of May, 1863, between Belgium and the Netherlands, which shall remain annexed to the present Treaty, and whereby His Majesty the King of the Netherlands renounces for ever the toll established on the navigation of the Scheldt and its mouths by Section 3 of Article IX of the Treaty of the 19th of April, 1839, and His Majesty the King of the Belgians engages to pay the capital of the redemption of that toll, fixed at 17,141,640 florins.

2. The Declaration made in the name of His Majesty the King of the Netherlands on the 15th of July, 1863, to the Plenipotentiaries of the High Contracting Parties, to the effect that the suppression of the Scheldt toll agreed to by His said Majesty applies to every flag ; that that toll cannot be re-established under any form whatsoever ; and that such suppression shall in no way affect the other arrangements of the Treaty of the 19th of April, 1839 ; which declaration shall be considered as if it were inserted in the present Treaty, and shall remain equally annexed thereto.

ARTICLE II.

His Majesty the King of the Belgians, in so far as he is concerned, makes the same declaration as that which is mentioned in Section 2 of the preceding Article.

ARTICLE III.

His Majesty the King of the Belgians further makes to the other Contracting Parties the following engagements, which shall come into operation from the day when the Scheldt toll shall cease to be collected :—

1. The tonnage duty imposed in Belgian ports shall cease to be levied ;
2. The pilotage dues in Belgian ports and in the Scheldt shall be reduced :—
 20 per cent. for sailing vessels ;
 25 per cent. for towed vessels ;
 30 per cent. for steam-vessels.

3. The system of local taxes imposed by the city of Antwerp shall be throughout diminished.

It is well understood that the tonnage duty thus abolished shall not be re-established, and that the pilotage dues and the local taxes thus reduced shall not be again raised.

The tariff of pilotage dues and that of the local taxes at Antwerp, reduced as above stated, shall be inserted in the Protocols of the Conference which has concluded the present Treaty.

ARTICLE IV.

In consideration of the preceding arrangements, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Chile, His Majesty the King of Denmark, Her Majesty the Queen of Spain, His Majesty the Emperor of the French, His Majesty the King of Hanover, His Majesty the King of Italy, His Royal Highness the Grand Duke of Oldenburg, His Excellency the President of the Republic of Peru, His Majesty the King of Portugal and the Algarves, His Majesty the King of Prussia, His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway, His Majesty the Emperor of the Ottomans, and the Senates of the Free Hanseatic Cities of Lubeck, Bremen, and Hamburg, engage to pay to His Majesty the King of the Belgians, as their share in the capital of the redemption of the Scheldt toll, the whole of which His said Majesty has taken upon himself to pay to His Majesty the King of the Netherlands, the sums hereinafter specified, that is to say :—

As the share of Great Britain	..	..	8,782,320 francs.
" " Austria	..	..	549,360 "
" " Bremen	..	..	190,320 "
" " Brazil	..	..	1,680 "
" " Chile	..	..	13,920 "
" " Denmark	..	..	1,096,800 "
" " Spain	..	..	431,520 "
" " France	..	..	1,542,720 "
" " Hamburg	..	..	667,680 "
" " Hanover	..	..	948,720 "
" " Italy	..	..	487,200 "
" " Lubeck	..	..	25,680 "
" " Norway	..	..	1,560,720 "
" " Oldenburg	..	..	121,200 "
" " Peru	..	..	4,320 "
" " Portugal	..	..	23,280 "
" " Prussia	..	..	1,670,640 "
" " Russia	..	..	428,400 "
" " Sweden	..	..	543,600 "
" " Turkey	..	..	4,800 "

It is agreed that each of the High Contracting Parties shall be eventually responsible only for the contributive share placed to its own charge.

ARTICLE V.

With regard to the manner, the place, and the time of the payment of the different shares, the High Contracting Parties refer to the separate arrangements which are or shall be concluded between each of them and the Belgian Government.

ARTICLE VI.

The execution of the reciprocal engagements contained in the present Treaty is expressly declared to be subject, in case of need, to the fulfilment of the formalities and rules prescribed by the constitutional laws of those of the High Contracting Parties for whom such a sanction is required, and who engage to take measures for obtaining the same with the least possible delay.

ARTICLE VII.

It is well understood that the arrangements of Article III shall be obligatory only with regard to those Powers which have taken part in or shall accede to the Treaty of this day ; His Majesty the King of the Belgians expressly reserving to himself the right of regulating the treatment, in regard to duties and customs, of vessels belonging to Powers which have not or shall not become parties to that Treaty.

ARTICLE VIII.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Brussels before the 1st of August, 1863, or as soon as possible after that date.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Brussels, the sixteenth day of the month of July, in the year one thousand eight hundred and sixty-three.

(L.S.) HOWARD DE WALDEN AND
SEAFORD.

(L.S.) B^{ON}. CH. HÜGEL.

(L.S.) CH. ROGIER.

(L.S.) B^N. LAMBERMONT.

(L.S.) J. T. DO AMARAL.

(L.S.) M. CARVALLO.

(L.S.) P. BILLE-BRAHE.

(L.S.) D. COELLO DE PORTUGAL.

(L.S.) MALARET.

(L.S.) VON HODENBERG.

(L.S.) - C^{TE}. DE MONTALTO.

(L.S.) M. YRIGOYEN.

(L.S.) V^{TE}. DE SEISAL.

(L.S.) SAVIGNY.

(L.S.) ORLOFF.

(L.S.) ADALBERT MANSBACH.

(L.S.) C. MUSURUS.

(L.S.) GEFFCKEN.

Treaty of the 12th of May, 1863, between Belgium and the Netherlands, annexed to the General Treaty of the 16th of July, 1863.

HIS Majesty the King of the Belgians, and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having come to an agreement upon the conditions of the redemption, by way of capitalization, of the toll established upon the navigation of the Scheldt and its mouths by section 3 of Article IX of the Treaty of the 19th of April, 1839, have resolved to conclude a special Treaty on that subject, and have named as their Plenipotentiaries :

His Majesty the King of the Belgians, the Sieur Aldephonse Alexander Felix Baron du Jardin, Commander of the Order of Leopold, decorated with the Iron Cross, Commander of the Netherland Lion, Knight Grand Cross of the Oaken Crown, Grand Cross and Commander of several other Orders, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Netherlands ;

His Majesty the King of the Netherlands, the Sieur Paul Van der Maesen de Sombreff, Knight Grand Cross of the Order of the Nichan Iftihar of Tunis, His Minister for Foreign Affairs ; the Sieur John Rudolph Thorbecke, Knight Grand Cross of the Order of the Netherland Lion, Grand Cross of the Order of Leopold of Belgium, and of several other Orders, His Minister of the Interior ; and the Sieur Gérard Henry Betz, His Minister of Finance ;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles :—

ARTICLE I.^a

His Majesty the King of the Netherlands renounces for ever, in consideration of a sum of seventeen millions one hundred and forty-one thousand six hundred and forty Netherlands florins, the duty collected upon the navigation of the Scheldt and its mouths, in virtue of section 3 of Article IX of the Treaty of the 19th of April, 1839.

ARTICLE II.

This sum shall be paid to the Netherlands Government by the Belgian Government at Antwerp or Amsterdam, at the option of the latter, the franc being calculated at $47\frac{1}{4}$ Netherlands centimes, that is to say :—

One-third as soon as may be after the exchange of the ratifications, and the other two-thirds in three equal instalments falling due on the 1st of May, 1864, the 1st of May, 1865, and the 1st of May, 1866.

The Belgian Government shall be at liberty to anticipate the said days of payment.

ARTICLE III.

From and after the payment of the first third, the toll shall cease to be collected by the Government of the Netherlands.

The amount not immediately paid shall bear interest at 4 per cent. per annum for the benefit of the Netherlands Treasury.

ARTICLE IV.

It is understood that the capitalization of the toll shall in no way affect the engagements which result, with regard to the two States, from the Treaties in force concerning the Scheldt.

ARTICLE V.

The pilotage dues now collected in the Scheldt are reduced :—

- 20 per cent. for sailing-vessels ;
- 25 per cent. for towed vessels ;
- 30 per cent. for steam-vessels.

It is, moreover, agreed that the pilotage dues in the Scheldt shall never be higher than the pilotage dues collected in the mouths of the Meuse.

ARTICLE VI.

The present Treaty shall be ratified, and the ratifications shall be exchanged at the Hague in four months, or sooner if possible.

In witness whereof the aforesaid Plenipotentiaries have signed the same, and have affixed thereto their seal.

Done at the Hague, the 12th of May, 1863.

(L.S.)	BARON DU JARDIN.	(L.S.)	P. VAN DER MAESEN DE SOMBREFF.
		(L.S.)	THORBECKE.
		(L.S.)	BETZ.

Protocol Annexed to the Treaty of the 16th July, 1863.

THE undersigned Plenipotentiaries having met in Conference in order to conclude the General Treaty relative to the redemption of the Scheldt toll, and having judged it expedient, previously to putting that arrangement into form, to obtain explanations as to the scope of the Treaty concluded on the 12th of May, 1863, between Belgium and the Netherlands, resolved, for this purpose, to invite the Minister of the Netherlands to assist at the Conference.

The Plenipotentiary of the Netherlands responded to the invitation, and made the following declaration :—

“The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty

the King of the Netherlands, declares, in virtue of special powers which he has received, that the suppression of the Scheldt toll, agreed to by his august Sovereign in the Treaty of the 12th of May, applies to every flag; that that toll cannot be re-established under any form whatsoever; and that such suppression shall in no way affect the other arrangements of the Treaty of the 19th of April, 1839.

“Brussels, July 15, 1863.

(Signed) *“BARON GERICKE DE HERWYNEN.”*

This declaration was placed on record, and it shall be inserted in or annexed to the General Treaty.

Done at Brussels, July 15, 1863.

(L.S.)	B ^N . GERICKE DE HERWYNEN.	(L.S.)	HOWARD DE WALDEN AND SEAFORD.
		(L.S.)	BARON DE HÜGEL.
		(L.S.)	J. T. DO AMARAL.
		(L.S.)	M. CARVALLO.
		(L.S.)	P. BILLE-BRAHE.
		(L.S.)	D. COELLO DE PORTUGAL.
		(L.S.)	H. S. SANFORD.
		(L.S.)	MALARET.
		(L.S.)	VON HODENBERG.
		(L.S.)	C ^{TE} . DE MONTALTO.
		(L.S.)	M. YRIGOYEN.
		(L.S.)	V ^{TE} . DE SEISAL.
		(L.S.)	SAVIGNY.
		(L.S.)	ORLOFF.
		(L.S.)	ADALBERT MANSBACH.
		(L.S.)	C. MUSURUS.
		(L.S.)	GEFFCKEN.
		(L.S.)	CH. ROGIER.
		(L.S.)	B ^N . LAMBERMONT.

CONVENTION between Her Majesty and the King of the Belgians,
to complete the Arrangements for the Redemption of the
Scheldt Toll.

Signed at Brussels, August 3, 1863.

[Ratifications exchanged at Brussels, August 25, 1863.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Belgians, being desirous to complete the arrangements contained in the General Treaty of the 16th of July, to which Their Majesties are Contracting Parties, for the abolition of the toll levied upon the navigation of the Scheldt, in virtue of paragraph 3 of Article IX of the Treaty of the nineteenth of April, eighteen hundred and thirty-nine, have resolved to conclude a special Convention for that purpose, and have named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Charles Augustus Lord Howard de Walden and Seaford, a Peer of the United Kingdom, Knight Grand Cross of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians ;

And His Majesty the King of the Belgians, the Sieur Charles Rogier, Grand Officer of the Order of Leopold, decorated with the Iron Cross, His Minister for Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

Her Britannic Majesty engages to recommend to Her Parliament to enable Her to pay to His Majesty the King of the Belgians the sum of eight millions seven hundred and eighty-two thousand three hundred and twenty francs, being the proportion falling to the charge of Great Britain, as

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Belges, animés du désir de compléter les arrangements contenus au Traité Général du 16 Juillet, Traité auquel Leurs Majestés sont Parties Contractantes, pour l'abolition du péage perçu sur la navigation de l'Escaut en vertu du paragraphe 3 de l'Article IX du Traité du dix-neuf Avril, mil huit cent trente-neuf, ont résolu de conclure dans ce but une Convention spéciale, et ont nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Charles Auguste Lord Howard de Walden et Seaford, Pair du Royaume Uni, Chevalier Grand-Croix du Très Honorable Ordre du Bain, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique près Sa Majesté le Roi des Belges ;

Et Sa Majesté le Roi des Belges, le Sieur Charles Rogier, Grand Officier de l'Ordre de Léopold, décoré de la Croix de Fer, Son Ministre des Affaires Etrangères ;

Lesquels, après s'être communiqué respectivement leurs pleins pouvoirs, trouvés en bonne et due forme, se sont mis d'accord et ont arrêté les Articles suivants :—

ARTICLE I.

Sa Majesté Britannique s'engage à recommander à son Parlement de la mettre en mesure de payer à Sa Majesté le Roi des Belges la somme de huit millions sept cent quatre vingt-deux mille trois cent et vingt francs, qui constitue la part proportionnelle incombant à la Grande Bretagne, selon les

stipulated by Article IV of the General Treaty signed the 16th of July, of the whole sum of seventeen millions one hundred and forty-one thousand six hundred and forty florins, to be paid by His Majesty the King of the Belgians to His Majesty the King of the Netherlands, and to be received by His Netherland Majesty in full compensation for the sacrifices which the arrangements of the said Treaty impose upon him.

ARTICLE II.

The sum of eight millions seven hundred and eighty-two thousand three hundred and twenty francs, mentioned in the preceding Article, shall be paid at Brussels, without interest, to such person as may be authorized by His Majesty the King of the Belgians to receive the same, one-half on the first of April, 1864, and the other half on the first of April, 1865.

ARTICLE III.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Brussels.

In faith whereof the respective Plenipotentiaries have signed it, and have affixed thereto their seals.

Made at Brussels, in duplicate, the 3rd of August, 1863.

HOWARD DE WALDEN AND
SEAFORD.
(L.S.)

stipulations de l'Article IV du Traité Général signé le 16 Juillet, dans la somme totale de dix-sept millions cent quarante et un mille six cent et quarante florins qui sera payée par Sa Majesté le Roi des Belges à Sa Majesté le Roi des Pays Bas, et qui sera reçue par Sa Majesté Néerlandaise en pleine compensation pour les sacrifices que les arrangements du Traité lui imposent.

ARTICLE II.

La somme de huit millions sept cent quatre vingt-deux mille trois cent et vingt francs, mentionnée dans le précédent Article, sera payée à Bruxelles, sans intérêt, à telle personne que Sa Majesté le Roi des Belges autorisera à la recevoir, l'une moitié le premier Avril, 1864, et l'autre moitié le premier Avril, 1865.

ARTICLE III.

La présente Convention sera ratifiée, et les ratifications en seront échangées à Bruxelles.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le cachet de leurs armes.

Fait à Bruxelles, en double original, le 3 Août, 1863.

CH. ROGIER.
(L.S.)

BELGIUM.

Treaty and Convention for the Redemption of the
Scheldt Toll. 1863.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1864.*

LONDON:

PRINTED BY HARRISON AND SONS.

Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS

AT

SIERRA LEONE, HAVANA, THE CAPE OF GOOD
HOPE, LOANDA, AND NEW YORK ;

AND

REPORTS FROM

BRITISH VICE-ADMIRALTY COURTS,

AND FROM

BRITISH NAVAL OFFICERS,

RELATING TO

THE SLAVE TRADE

From January 1 to December 31, 1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:

PRINTED BY HARRISON AND SONS.

[3339]

LIST OF PAPERS.

MIXED COMMISSION COURTS.

SIERRA LEONE.

No.			Date. 1863	Receipt. 1863	SUBJECT.	Page.
1.	Earl Russell to H.M.'s Judge	..	Jan. 8	..	Captain of " <i>Jane</i> " not allowed to become a Dutch subject ..	1
2.	H.M.'s Judge to Earl Russell	..	Dec. 20	Jan. 13	Case of " <i>Jane</i> ." Report ..	1
3.	H.M.'s Judge to Mr. Layard	..	Dec. 31	Feb. 12	No case adjudicated in Mixed Courts	16
4.	H.M.'s Judge to Earl Russell	..	Dec. 31	Feb. 12	No slaves emancipated ..	17
5.	"	..	Dec. 31	Feb. 12	Return of vessel adjudicated in Netherlands Court ..	17
6.	"	..	Jan. 2	Feb. 12	Half-yearly Return of vessels adjudicated in Vice-Admiralty Court.	19
7.	"	..	Jan. 14	Feb. 12	Receipt of despatch of 23rd ultimo.	21
8.	Earl Russell to H.M.'s Judge	..	Mar. 6	..	Netherlands Government wish to punish parties connected with " <i>Jane</i> " ..	21
9.	H.M.'s Judge to Earl Russell	..	Feb. 16	Mar. 13	Receipt of despatch of 8th ultimo respecting the " <i>Jane</i> " ..	21
10.	"	..	Feb. 19	Mar. 13	Account sales of barque " <i>Jane</i> " ..	21
11.	"	..	Apr. 20	May 13	Information respecting master and crew of " <i>Jane</i> " ..	26
12.	Earl Russell to H.M.'s Judge	..	June 23	..	United States' vessels supplied with special warrants ..	27
13.	"	..	July 8	..	Regulations for guidance of Judges and Arbitrators ..	27
14.	H.M.'s Acting Judge to Earl Russell	..	May 23	July 12	Departure of Mr. Skelton for Madeira ..	27
15.	Earl Russell to H.M.'s Judge	..	July 22	..	Additional Article to United States' Slave Trade Treaty ..	27
16.	"	..	July 22	..	Regulations for guidance of Judges approved by United States' Government ..	28
17.	H.M.'s Acting Judge to Mr. Layard	..	June 30	Aug. 14	No case adjudicated during half-year in Mixed Commission Court ..	28
18.	H.M.'s Acting Judge to Earl Russell	..	June 30	Aug. 14	No slaves emancipated during half-year ..	28
19.	"	..	July 20	Aug. 14	Vessel adjudicated in Vice-Admiralty Court for half-year ..	28
20.	"	..	July 13	Aug. 14	Receipt of despatch of 23rd ultimo.	30
21.	"	..	July 15	Aug. 14	List of American cruisers ..	30
22.	H.M.'s Acting Judge to Earl Russell	..	July 20	Aug. 14	Arrival of Mr. Dyer, United States' Judge ..	30
23.	H.M.'s Judge to Earl Russell.	..	Aug. 12	Sept. 11	Arrival of Mr. Hubbard, United States' Arbitrator ..	30
24.	"	..	Aug. 13	Sept. 11	Receipt of despatch of 8th ultimo.	30
25.	"	..	Aug. 14	Sept. 11	Ditto ..	31
26.	H.M.'s Judge to Earl Russell	..	Sept. 30	Nov. 10	Report for year ending September 30, 1863 ..	31

HAVANA.

No.		Date.	Receipt.	SUBJECT.	Page
		1862	1863		
27.	H.M.'s Acting Commissary Judge to Earl Russell	Dec. 31 1863	Jan. 31	No emancipados sent to Jamaica ..	32
28.	"	Jan. 1	Jan. 31	No case adjudicated in 1862 ..	32
29.	"	Sept. 30	Oct. 29	Annual Report on Slave Trade ..	32
30.	H.M.'s Commissary Judge to Earl Russell	Nov. 6	Nov. 30	Captain-General's sincere desire to put an end to Slave Trade ..	34
31.	"	Nov. 16	Dec. 14	Capture of 1,105 Bozals by Spanish authorities. Respecting alteration of Penal Law ..	34

CAPE OF GOOD HOPE.

		1863	1863		
32.	H.M.'s Commissioners to Earl Russell	Jan. 6	Mar. 2	Report of judicial proceedings during year ended December 31, 1862 ..	36
33.	"	Jan. 6	Mar. 2	No slaves emancipated ..	37
34.	"	Jan. 6	Mar. 2	Annual Report of Mixed Commission ..	37
35.	"	Mar. 10	Apr. 29	Dhow, prize of Her Majesty's ship "Narcissus," condemned March 2, 1863 ..	38
36.	Earl Russell to H.M.'s Commissioners	May 21	..	Appointment of Mr. Pringle as United States' Judge ..	39
37.	H.M.'s Commissioners to Earl Russell	Apr. 11	May 29	Arrival of Mr. Avery, United States' Arbitrator ..	39
38.	Earl Russell to H.M.'s Commissioners	June 5	..	Regulations for guidance in the Mixed British and United States' Court ..	40
39.	"	June 23	..	United States' vessels furnished with special warrants ..	40
40.	"	July 22	..	Additional Article to United States' Slave Trade Treaty ..	40
41.	"	July 25	..	Regulations for Judges, &c., approved by United States' Government ..	41
42.	H.M.'s Commissioners to Earl Russell	June 30	Aug. 10	No case of adjudication in Mixed Commission during half-year ..	41
43.	"	July 17	Aug. 25	Receipt of Regulations for Judges, &c. ..	41
44.	"	Aug. 1	Sept. 28	Report of dhows condemned in Vice-Admiralty Court ..	41
45.	"	Aug. 17	Sept. 28	Receipt of list of United States' cruisers ..	42
46.	"	Aug. 28	Sept. 28	Arrival of Mr. Pringle, United States' Judge ..	43
47.	"	Sept. 1	Oct. 21	Dhows condemned in Vice-Admiralty Court as prizes to "Penquin" ..	43
48.	"	Sept. 12	Oct. 21	Receipt of despatch of 22nd July last. Additional Articles to United States' Slave Trade Treaty ..	43
49.	"	Sept. 12	Oct. 21	Regulations for guidance of Mixed British and United States' Commission ..	44
50.	"	Oct. 1	Nov. 23	Report on Slave Trade for year ending September 30, 1863 ..	44

LOANDA.

		1862	1863		
51.	H.M.'s Commissioner to Earl Russell	Oct. 18	Jan. 13	Barque captured by "Zebra" ..	46
52.	"	Oct. 20	Jan. 12	Right of correspondence with Governor-General. Receipt of despatches ..	46
53.	"	Oct. 30	Jan. 13	Barque "Jane" captured by "Espoir" ..	46
54.	Mr. Hewett to Earl Russell	Dec. 20 1863	Feb. 4	Death of Mr. Gabriel ..	47
55.	H.M.'s Acting Vice-Consul to Earl Russell	Jan. 12	May 6	Communication with Portuguese authorities. Receipt of despatch of August 28, 1862 ..	48
56.	"	Jan. 13	May 6	Slaves to St. Thomas. Receipt of despatch of August 28, 1862 ..	48

LIST OF PAPERS.

Y

No.		Date. 1863	Receipt. 1863	SUBJECT.	Page
57.	H.M.'s Acting Vice-Consul to Earl Russell ..	Jan. 15	May 6	Recall of Portuguese Governor and Secretary to Governor. Receipt of September 23, 1862 ..	48
58.	" " " " ..	Jan. 19	May 6	Boarding of "Paquete de Mossamedes," by "Torch" ..	49
59.	" " " " ..	Jan. 31	May 6	Capture of "Island Queen" by "Wrangler" ..	50
60.	" " " " ..	Feb. 1	May 6	Capture of "Lola Montes" by "Antelope" ..	51
61.	" " " " ..	Feb. 12	May 6	Proceedings against parties belonging to "Paquete de Loanda" ..	51
62.	" " " " ..	Feb. 13	May 6	Movements of "Paquete de Mossamedes" ..	51
63.	" " " " ..	Feb. 19	May 6	Capture of "Paquete de Loanda." Receipt of despatch of December 23, 1862 ..	52
64.	" " " " ..	Feb. 25	May 6	Capture of barque with 360 slaves by "Brisk" ..	52
65.	" " " " ..	Feb. 28	May 6	Capture of "Liberdade." Measures taken by Governor ..	52
66.	" " " " ..	Mar. 3	May 6	Detention and release of "Venus" ..	53
67.	" " " " ..	Mar. 5	May 6	Capture of Portuguese brigantine "Laura" by "Zebra" ..	54
68.	H.M.'s Commissioner to Earl Russell ..	Apr. 25	July 10	Reporting his arrival ..	55
69.	" " " " ..	Apr. 25	July 10	Capture of "Mariquita" by "Zebra" ..	55
70.	" " " " ..	Apr. 27	July 10	Portuguese brig "Laura" condemned by Mixed Commission ..	55
71.	" " " " ..	May 20	Aug. 3	Capture of launch at Novo Redondo by Portuguese authorities ..	55
72.	" " " " ..	July 4	Sept. 19	Return of vessels adjudicated in Mixed Commission Court for half-year ..	56
73.	" " " " ..	July 29	Sept. 19	"Laura." Judgment in case of ..	56
74.	" " " " ..	July 31	Sept. 19	Libertos sent to St. Thomas. Correspondence with Governor-General ..	59
75.	" " " " ..	Aug. 22	Oct. 22	Capture of a slaver by Her Majesty's ship "Espoir" ..	60
76.	" " " " ..	Aug. 24	Oct. 22	Report on case of launch "E" ..	61
77.	" " " " ..	Oct. 31	Dec. 30	Annual Report on Slave Trade ..	65

LOANDA. *Board of Superintendence.*

		1863	1863		
78.	H.M.'s Commissioner to Earl Russell ..	May 22	Aug. 3	Curator's Quarterly Report ..	67
79.	" " " " ..	July 4	Sept. 19	Ditto ..	67
80.	" " " " ..	Sept. 12	Nov. 23	Minutes of Meeting of Board of Superintendence ..	68
81.	" " " " ..	Oct. 5	Dec. 1	Curator's Quarterly Report ..	68

NEW YORK.

		1863	1863		
82.	Earl Russell to H.M.'s Commissioners ..	Apr. 18	..	List of United States' cruisers under Slave Trade Treaty ..	70
83.	H.M.'s Commissioner to Earl Russell ..	May 15	May 30	Receipt of above ..	71
84.	Earl Russell to H.M.'s Commissioners ..	June 5	..	Regulations for guidance of Commissioners ..	71
85.	H.M.'s Commissioners to Earl Russell ..	June 30	July 12	Receipt of Regulations for Court ..	72
86.	Earl Russell to H.M.'s Commissioners ..	July 22	..	Copies of Additional Article to United States' Slave Trade Treaty ..	72
87.	" " " " ..	July 25	..	Regulations for Judges ..	73
88.	H.M.'s Commissioners to Earl Russell ..	Aug. 31	Sept. 17	Receipt of despatch of July 22 ..	73
89.	" " " " ..	Aug. 31	Sept. 17	Receipt of despatch of July 25 ..	73
90.	H.M.'s Judge to Earl Russell ..	Dec. 31	Feb. 1	Report of Her Majesty's Commissioners ..	74

REPORTS FROM NAVAL OFFICERS.

WEST COAST OF AFRICA STATION.

No.		Date. 1862	Receipt. 1863	SUBJECT.	Page
91.	Commodore Wilmot to Rear-Admiral Sir B. Walker	Nov.	Jan. 14	Proceedings at Whydah, and note to Dahomey ..	76
92.	Commander Douglas to Commodore Edmonstone	Oct. 17	Jan. 15	Capture of " <i>Jane</i> " by " <i>Espoir</i> " ..	79
93.	"	Nov. 6	Jan. 15	" <i>Hé</i> ," or " <i>E</i> ," detained by " <i>Espoir</i> " ..	79
94.	Lieutenant Lefroy to the Secretary to the Admiralty	Dec. 21 1863	Jan. 17	Report on his visit to the Niger ..	80
95.	Commander De Walsh to Rear-Admiral Sir B. Walker	Jan. 5 1862	Feb. 17	Commodore Wilmot gone to visit Dahomey ..	82
96.	Commander Douglas to Commodore Edmonstone	Oct. 31 1863	Mar. 14	Boarding of American vessels by Her Majesty's cruisers ..	83
97.	Commodore Wilmot to Rear-Admiral Sir B. Walker	Feb. 6 1862	Mar. 14	Intends visiting Congo ..	84
98.	Commander Hoskins to Commodore Edmonstone	Oct. 4	Mar. 14	Capture of barque by " <i>Zebra</i> " ..	84
99.	"	Nov. 19	Mar. 14	Portuguese schooner " <i>Mondego</i> " left Congo with slaves ..	85
100.	"	Oct. 19	Mar. 16	Capture of " <i>Jane</i> " ..	85
101.	Commander Douglas to Commodore Edmonstone	Sept. 12	Mar. 16	Boarding of " <i>Ocilla</i> " by " <i>Espoir</i> " ..	86
102.	Commander Hoskins to Commodore Edmonstone	Oct. 2 1863	..	Ditto by " <i>Zebra</i> " ..	86
103.	Commodore Wilmot to Rear-Admiral Sir B. Walker	Jan. 29	Mar. 17	Visit to Dahomey ..	86
104.	Rear-Admiral Sir B. Walker to the Secretary to the Admiralty	Feb. 17	Mar. 17	Recommends coal-depôt at Lagos ..	86
105.	Commander Beamish to the Secretary to the Admiralty	Feb. 4	Mar. 18	Capture of slaver supposed to be " <i>Island Queen</i> " ..	87
106.	Rear-Admiral Sir B. Walker to the Secretary to the Admiralty	Feb. 20	Mar. 18	On Slave Trade on West Coast ..	8 8
107.	"	Jan. 28	Mar. 19	Introduction of blacks from Brass to Fernando Po ..	91
108.	Commodore Wilmot to the Secretary to the Admiralty	Feb. 6	Mar. 19	Escape of " <i>Ocilla</i> " and " <i>Mondego</i> " ..	92
109.	Rear-Admiral Sir B. Walker to the Secretary to the Admiralty	Feb. 20	Mar. 31	" <i>Buenaventura Cubano</i> " engaged in Slave Trade at time of capture ..	93
110.	Commodore Wilmot to Rear-Admiral Sir B. Walker	Mar. 16	Apr. 14	Capture of slaver by " <i>Brisk</i> " off Annabon ..	94
111.	Commodore Wilmot to the Secretary to the Admiralty	Mar. 25	May 20	Respecting boarding of French vessels by British cruisers ..	94
112.	Extract from Orders of Rear-Admiral Sir B. Walker to Commodore Wilmot	..	June 3	Orders for Commodore Wilmot ..	96
113.	Commodore Wilmot to the Secretary to the Admiralty	Apr. 30	June 11	Visit to Whydah. Slave Trade information ..	96
114.	Commodore Wilmot to Rear-Admiral Sir B. Walker	July 1	July 23	Commodore Wilmot's reasons for visiting Loango, &c. ..	97
115.	"	May 26	July 25	Relative to Abbeokuta ..	97
116.	"	June 7	July 25	State of affairs on River Congo ..	99
117.	"	June 7	July 28	Capture of American schooner " <i>Mariquita</i> " off the Congo ..	100
118.	Rear-Admiral Sir B. Walker to the Secretary to the Admiralty	July 18	Aug. 28	Verifying nationality of suspected French vessels ..	100
119.	Commodore Wilmot to Rear-Admiral Sir B. Walker	Aug. 14	Sept. 19	Captain Burton's visit to Dahomey ..	102
120.	Commander Douglas to Commodore Wilmot	Aug. 12	Sept. 30	Capture of brig supposed to be the " <i>Haydee</i> " ..	102
121.	Commodore Wilmot to Rear-Admiral Sir B. Walker	Sept. 2	Oct. 15	Letters to Dahomey and Abbeokuta, &c. ..	102
122.	"	Sept. 7	Oct. 15	"Investigator" has safely crossed the bar ..	104
123.	Extract from Captain Wildman's Journal ..	Nov. 5	Nov. 10	Journal of legal and Slave Trade ..	104
124.	Commodore Wilmot to Rear-Admiral Sir B. Walker	Oct. 3	Nov. 21	Affairs in Angola and the Congo ..	106
125.	"	Oct. 3	Nov. 25 1864	State of affairs in Congo ..	106
126.	"	Dec. 9	Jan. 16	Lieutenant Gambier's expedition up the Niger ..	108

EAST COAST OF AFRICA STATION.

No.		Date.	Receipt.	SUBJECT.	Page
		1862	1863		
127.	Commander Wilson to Rear-Admiral Sir B. Walker	Dec. 17	Feb. 13	Boarding of dhow by "Gorgon"	110
128.	Rear-Admiral Sir B. Walker to the Secretary to the Admiralty	Dec. 23	Mar. 16	Slave Trade on East Coast	110
		1863			
129.	" "	July 17	Aug. 27	Dhow under French colours boarded by "Ariel"	112
130.	" "	Oct. 19	Nov. 25	Sultan of Zanzibar is doing his best to suppress Slave Trade	113
131.	" "	Nov. 19	Dec. 24	Slave Trade at Zanzibar	115

NORTH AMERICA AND WEST INDIA STATION.

		1863	1863		
132.	Vice-Admiral Sir A. Milne to the Secretary to the Admiralty	Jan. 9	Feb. 18	Landing of slaves on coast of Cuba.	115
133.	" "	Feb. 5	Mar. 4	Proceedings of "Steady" respecting "Noc Dacqui"	115

Class A.



CORRESPONDENCE

WITH

BRITISH COMMISSIONERS.

SIERRA LEONE.

No. 1.

Earl Russell to Her Majesty's Judge.

Sir,

Foreign Office, January 8, 1863.

WITH reference to my despatch of the 23rd ultimo, I transmit to you, for your information, a copy of a further despatch from Her Majesty's Consul at Rotterdam,* containing further information relating to the Dutch barque "*Jane*," captured by Her Majesty's ship "*Espoir*" on suspicion of being engaged in the Slave Trade.

I am, &c.
(Signed) RUSSELL.

No. 2.

Her Majesty's Judge to Earl Russell.—(Received January 13, 1863.)

My Lord,

Sierra Leone, December 20, 1862.

WITH reference to my despatch of the 3rd ultimo, reporting that the Netherlands barque "*Jane*" had been brought before the British and Netherlands Mixed Court of Justice on a charge of being equipped for the Slave Trade, I have now the honour to report that that vessel was condemned in this Court on the 10th instant, and to transmit to your Lordship copies of the proceedings in the case.

It appears from the ship's papers, and from the evidence, that the "*Jane*," a barque of 270 tons burdens was the property of a Dutch subject named Michael Gorsira, resident at Curaçoa, who procured for her at that island a Colonial register dated the 25th of March last, by which she was authorized to trade as a national vessel in all parts of the world, with the exception of the West Coast of Africa, the Straits of Gibraltar, and the Mediterranean. It then appears that the owner chartered his vessel for an indefinite period to James Robert Mellen, a native of

* Class B, No. 90.

the Confederate States of America, who was supercargo on board when she was detained.

Mellen took the "*Jane*" from Curaçoa to St. Jago de Cuba, from which port he then proceeded to Havre, according to his statement, with a cargo of sugar: at Havre he shipped what is stated in the manifest from that port to be cargo for St. Thomas and the West Coast of Africa, consisting, besides twenty barrels of flour, entirely of ship's stores, preserved meats, soups, and vegetables in tins, French wine, and a small quantity of brandy, the whole of which articles were evidently intended for consumption on the voyage, and were altogether unsuited for trade on the coast of Africa. The total value of this pretended cargo amounted to 7,500 francs, or 300*l.* English money.

From Havre, Mellen proceeded with the "*Jane*" to Rotterdam, where he procured from the proper authorities an extension of the vessel's Colonial register to those parts of the world which were originally excepted, viz., the West Coast of Africa and the Levant.

At Rotterdam he shipped 20,000 bricks as cargo, and according to his statement some gin also, but we have no account of the quantity or value, and in fact no proof that it really was shipped, as he has produced no manifest from Rotterdam, and no gin was found on board when the vessel was captured. From Rotterdam, as appears from a Custom-house certificate dated the 23rd of August last, endorsed on the register, he cleared out for the Island of St. Thomas.

It appears that from Rotterdam the "*Jane*" proceeded in the first instance to Elmina, on the Gold Coast, and thence to Quinsembo, to the south of the River Congo. On her way from Quinsembo to the Congo she was detained by Her Majesty's ship "*Zebra*," and taken to Point Padrone, in the mouth of that river; she was, however, subsequently released by the "*Zebra*," and immediately afterwards detained by Her Majesty's ship "*Espoir*" on the present charge.

It appears from the surveyor's report that the "*Jane*" had on board casks capable of containing 5,363 gallons of water, besides loose staves capable of being set up into casks sufficient to contain 8,700 gallons more, forming a total of 14,063 gallons; she also had a ledge or stringer running round the hold, suitable for the laying of a slave-deck.

As will be seen from the evidence, and from the Judgment delivered in this case, the master and the supercargo made no attempt to explain the presence on board of the excessive number of water-casks, and they failed to give any satisfactory explanation of the presence of the immense quantity of loose staves.

Under these circumstances it remained for the Court to consider whether, notwithstanding the manifest violation of the Equipment Article of the Treaty, the master and the supercargo could prove, from the incidents of the voyage and from the ship's papers, that the detained vessel was actually engaged in lawful trade.

Here all the evidence points the other way. No explanation is offered of the fact that the detained vessel, being bound to St. Thomas, proceeded straight to the Congo, six degrees of latitude south of that island, nor does the supercargo give any satisfactory account of the nature of the commercial transactions in which he was engaged at the places where he touched on the coast: his statement is that he landed some of the cargo at Elmina, some more at Quinsembo, and that he was going to the Congo to land the rest when he was captured; he was to ship return cargo at the Congo, afterwards to touch at St. Thomas, and then to proceed to Elmina to take on board cargo in return for the goods which he had left there on his outward voyage; from Elmina he was to sail either for Curaçoa, or for some port in Europe; he produced, however, no bills of lading, no receipts, nor any documentary evidence whatever touching the merchandise he alleged that he had landed at Elmina and at Quinsembo. In answer to questions put on behalf of the captors, he stated that he had possessed such papers, and he invented a false statement to account for their absence.

But the whole proceedings of the "*Jane*" on the coast were inconsistent with a lawful voyage: as I have already stated, she really had no cargo on board; but assuming all the articles entered on the manifest at Havre to be cargo, and including the bricks shipped at Rotterdam, the aggregate value of the whole amounted to less than 400*l.*

It is manifestly impossible that a vessel of 270 tons, with a crew of fourteen persons, could have paid expenses, much less have made a profitable voyage to the West Indies, with African produce shipped in return for cargo of such small value, and her voyage can only be satisfactorily accounted for by the supposition that she

was bound to the Congo for the purpose of taking on board a cargo of slaves in accordance with a preconcerted arrangement.

Having taken all these circumstances into due consideration, the Court were of opinion that it was clearly established that the detained vessel was at the time of her capture equipped for and engaged in the Slave Trade; and accordingly by Decree of the 10th of December pronounced the barque "*Jane*" good prize to the Crowns of Great Britain and of the Netherlands.

I have, &c.
(Signed) G. SKELTON.

Inclosure 1 in No. 2.

Judgment given in the case of the Netherlands barque "Jane," B. A. Prince, Master.

THE case upon which the Court has now met for the purpose of pronouncing judgment is that of the Netherlands barque "*Jane*," B. A. Prince, master, which was detained on the 15th of October last, off Point Padrone, in the River Congo, by Her Majesty's steamer "*Espoir*," on the charge of being equipped for and engaged in the Slave Trade, in contravention of the Treaty of the 4th of May, 1818, between Great Britain and the Netherlands, and of the Additional Articles thereto, dated respectively the 31st of December, 1822, the 25th of January, 1823, the 7th of February, 1837, and the 31st of August, 1848.

It appears from the ship's papers, and from the evidence which has been adduced in this case, that the "*Jane*," a barque of 270 tons burden, is the property of a Netherland subject named Gorsira, a resident of Curaçoa, who procured for her a Colonial Register at that island, dated the 25th of March last. It is, however, stated in the body of that document that the ship is not authorized by such register to trade as a national vessel on the West Coast of Africa, or in the Straits of Gibraltar, or the Mediterranean Sea.

It then appears that the owner chartered the vessel to James Robert Mellen, a subject of the Confederate States of North America, who now appears as one of the claimants in this case, as the supercargo of the "*Jane*," and the sole owner and consignee of the cargo on board. It further appears that Mellen first proceeded with the vessel from Curaçoa to St. Jago de Cuba, from which port he took her on a voyage to Havre. At Havre he decided upon making a voyage to the West Coast of Africa; and after shipping cargo he proceeded to Rotterdam, where he procured from the proper authorities an extension of the Colonial Register of Curaçoa to those parts of the world which were excepted in that paper, viz., the West Coast of Africa and the Levant. Endorsements to that effect, properly signed and attested, appear on the back of the register.

At Rotterdam, according to a Custom-house certificate dated Helvoetsluys, the 23rd August last, which forms the last endorsement on the register, he cleared the vessel for St. Thomas on the West Coast of Africa. And here we come to the first point of importance which has been raised in this case. The master, the supercargo, and the mate declare in their several depositions that the "*Jane*" was bound to St. Thomas and the Coast of Guinea, by which they mean the West Coast of Africa; and the learned Advocate for the claimants has urged that the vessel was therefore not out of her proper course when detained in the Congo. It is true that in the ship's muster-roll dated the 21st of August, 1862, the words "and on the coast of Guinea" are inserted after St. Thomas; but the only document by which a ship's destination is legally defined is her clearance from the port of departure, and in the certificate of clearance endorsed on the register of the "*Jane*," she is distinctly stated to have cleared from Rotterdam for St. Thomas. After leaving Rotterdam it is stated by the master and the supercargo that the course of the "*Jane*" was not shaped for St. Thomas, but that she proceeded, in the first instance, to Elmina on the Gold coast, where a portion of the cargo was landed; and that from Elmina she proceeded down the coast, leaving St. Thomas behind her, but not going near that island, to Quinsembo, south of the Congo, where some more of the cargo was landed; and whilst on her way from Quinsembo to the River Congo she was fallen in with by Her Majesty's ship "*Zebra*," and taken to Point Padrone, in the Congo, where, shortly after having been released by the "*Zebra*," she was detained by Her Majesty's ship "*Espoir*" on the present charge.

We will now proceed to examine the evidence relating to the equipment of the detained vessel, which has been urged on behalf of the captor as affording proof of her being engaged in the Slave Trade:—The Commissioners of Survey in their Report state that there is a stringer or ledge running round the side of the hold, and well adapted for the purpose of laying a slave-deck. In opposition to this statement we have the evidence of two ship-masters who inspected the vessel on behalf of the claimant, to the effect that, in their opinion, a slave-deck could not be laid on the ledge in question; one of them stating that the vessel which he now commands was recently fitted in a very similar manner. To rebut this evidence we have further depositions sworn to by Mr. Thomas Pike, one of the surveyors, and by Lieutenant Murray, the Prize Officer, to the effect that the ledge round the hold of the detained vessel is, according to the usual mode of constructing slave-decks, perfectly suitable for that purpose; Lieutenant Murray further stating that he had himself taken a slaver to St. Helena with a ledge similar to that of the detained barque, and a slave-deck fitted on the principle which he described. We are bound, therefore, to come to the conclusion that the ledge round the hold of the detained vessel is, for whatever purpose it may have been originally constructed, actually adapted for the laying of a slave-deck; but we do not attach much importance to this point taken by itself, as it would appear that the ledge might have formed part of the structure of the ship without any unlawful purpose.

We now come to the question of the unreasonable number of water-casks stated to have been found on board the detained vessel, and we will here advert to the argument urged upon the Court by the learned Advocate for the claimant touching an extra quantity of water found on board a Dutch vessel being considered as an article of slave equipment. The learned gentlemen argued that the Court is precluded from looking upon an extra quantity of water, and consequently of vessels for containing water, as a proof of slave equipment at all, by the first of the Additional Articles to the Treaty of 1818 which were signed at the Hague on the 31st of August, 1848, which Article stipulates that "if there should be found on board a merchant-vessel of either nation a greater quantity of water in casks, or in tanks, or in any other receptacles than is necessary for the use of the crew, that circumstance alone shall not be considered as sufficient reason for authorizing the detention of the said vessel provided that the ship's papers with which she is furnished are in order, so as to prove that she is not engaged in Slave Trade." The Court cannot concur in that opinion; it appears to us clear that the sole object of the

Article above referred to was to prevent vessels engaged in lawful pursuits requiring an extraordinary quantity of water from being detained on suspicion of Slave Trade; and that the plain meaning of the foregoing stipulation is that a vessel shall not be liable to detention on the ground of having on board a larger quantity of water than necessary for her crew as a merchant-vessel, provided her papers prove that she is engaged in some lawful calling for which such extra quantity of water is required.

The Commissioners of Survey state that they found on board the detained vessel forty-one casks, some with water in, others empty, the whole capable of containing 5,363 gallons. But it is urged on behalf of the claimants that a number of these casks are not water-casks, but old bread casks, and are not capable of holding water; and we have the depositions of two ship-masters to the effect that they saw on the deck of the detained vessel a number of wooden-bound casks which were damaged in various ways, and incapable of containing water,—one of the deponents, Robert Paterson, master of the “Nereid,” stating that he thinks they were about eighteen in number. Now it is quite clear that after these casks had been hoisted out of the hold on to the deck of the vessel, and had been left there empty for some time, they may have been in a damaged state; in fact the deponents state that the hoops were off and the heads knocked out; but if these casks were not intended to carry water, for what possible purpose were they shipped on board the detained vessel? It is not to be supposed that the master or supercargo of any ship would lumber up his hold with a number of empty and useless water-casks. But we have the positive evidence of the claimants themselves that these casks were intended to carry water, and for no other purpose.

The master, in answer to the seventh standing special interrogatory says,—“There are twenty-three water-casks on board for the use of the vessel, besides twenty casks belonging to the supercargo; had no other means of conveying water.” And further on, “The whole of the casks are capable of containing 4,730 gallons.” The supercargo, in answer to the seventh standing special interrogatory, says, “There are about forty-two water-casks on board for the use of the vessel. These casks are capable of containing about 4,000 gallons of water.” Again the supercargo, in his affidavit dated the 27th of November, says,—“That the twenty-one other casks referred to in the said Report of Survey are his property, and are old bread-casks, and were shipped at Havre, and filled with fresh and salt water, and stowed in the bottom of the ship for ballast.” We must come to the conclusion, therefore, that the detained vessel had on board casks capable of containing 5,363 gallons of water, a quantity so enormously in excess of what would be required for the consumption of the crew of the vessel on a voyage from Rotterdam to St. Thomas that it is unnecessary to dwell upon the question as to the exact quantity of water per man required by Netherlands law; though the Court is of opinion that $4\frac{3}{4}$ rans, Dutch measure, of water is the quantity prescribed by Dutch law for each seaman per day, and $4\frac{3}{4}$ rans amount, as nearly as possible, to 4 quarts and 1 gill English measure. Besides the water-casks, there were found on board the detained vessel 1,920 loose staves of casks, which the surveyors state in their Report to be sufficient to be set up into 87 puncheons, capable of containing 8,700 gallons; and it is a point of the greatest importance whether casks found on board a vessel in the shape of staves are or are not to be considered as receptacles for containing water within the meaning of the Equipment Article of the Treaty. The master and the supercargo, indeed, in their answers to the special interrogatories, make very light of these staves; they speak of them as “a few old staves for gunnage.” Had they been so, no importance would have attached to them; but these few old staves are subsequently magnified into a number sufficient to make 87 puncheons with a capacity of 8,700 gallons, a considerably larger quantity than contained in the casks on board the vessel. Now it is well known that, given the presence of a sufficient number of staves, heads and hoops for any number of casks may be supplied at any place on the West Coast of Africa, but the staves themselves cannot be supplied unless they are already stored in some dépôt. Keeping this in view, it appears to us that if this Court were to lay down the principle that staves in any quantity carried by a vessel coming to the West Coast of Africa shall not be considered as an article of equipment, any slave-vessel might come to the coast with impunity, with just sufficient water for her crew, and her full complement of casks for her slave-voyage in the shape of loose staves ready to be set up at the first convenient opportunity. We feel bound, therefore, to decide that the 1,920 loose staves found on board the detained vessel, and not entered as cargo, must be considered in the same light as casks capable of holding 8,700 gallons of water. Adding these to the forty-one casks measured by the surveyors, and found by them to be capable of containing 5,363 gallons, we find that the detained vessel had on board at the time of capture receptacles for water capable of containing, in the aggregate, 14,063 gallons, a quantity amply sufficient to carry a full cargo of slaves across the Atlantic.

It being thus established to the satisfaction of the Court that the detained vessel had on board a sufficient quantity of vessels for holding water to constitute a breach of the Equipment Article of the Treaty between Great Britain and the Netherlands, it remains for the supercargo to show that notwithstanding the suspicious circumstances against the vessel, he was at the time of detention engaged on a lawful voyage. We will now proceed to take into consideration the circumstances of the voyage from Havre to the Congo as set forth from the ship's papers and the supercargo's own evidence. It appears from the ship's manifest dated Havre, the 17th of July, 1862, that the supercargo shipped on board a cargo consisting, besides twenty barrels of flour, chiefly of preserved provisions, wine, and brandy, which appear to be rather adapted for cabin use on board the vessel than to be intended as cargo for trade; however, taking the whole as cargo, the aggregate value amounted to 7,500 francs, or as nearly as possible 300*l.* English money. After leaving Havre documentary evidence fails us, but the supercargo states that he took on board at Rotterdam 20,000 bricks and some gin. Now, placing the high valuation of 3*l.* per 1,000 on the bricks, the ascertained value of the cargo would be raised to 360*l.* As to the value or the quantity of the gin shipped we have no evidence; the supercargo states that he did not bring a manifest from Rotterdam because no manifest is given to vessels proceeding to the West Coast of Africa. We are at a loss to understand how the Court can be expected to reconcile that statement with the 9th Section of the Additional Article to the Treaty of 1818 dated the 25th January, 1823, which stipulates as follows, “having on board an unreasonable quantity of rice, &c.,” such rice, &c., not being entitled on the “manifest as part of the cargo for trade.” It appears, therefore, that the supercargo took a vessel of 270 tons, with a crew of fourteen persons, on a trading voyage to the West Coast of Africa with a cargo, supposing even that the whole of it was intended for trade, of less than 400*l.* in value. He states that he landed some of this cargo at Elmina, afterwards some more at Quinsembo, and that he was on his way to the Congo to land the rest when capture took place; he was, after taking on board return cargo at the Congo, to touch at St. Thomas, and then proceed to Elmina, to take on board cargo in return for the goods he had landed at that place, whence he was to proceed to Curaçoa; he omits, however, altogether to state how he was to obtain a return for cargo landed at Quinsembo. Now, what cargo, and to what value, did he land at Elmina and at Quinsembo he gives no account, and he produces no receipt and no scrap of documentary evidence from either place to prove that he was engaged in any commercial transaction whatever; his allegation that he had such papers, but that they were taken away by mistake in the passengers' luggage, is disposed of by the declaration of the Prize Officer that the papers of the detained barque were delivered up before the passengers left the vessel, and further that their luggage was strictly searched after they were taken on board the “Espoir,” and that the papers found therein have been produced before this Court. But

what cargo could the supercargo have landed either at Elmina, Quinsembo, or the Congo, to make it worth his while to touch at those places either on his outward or homeward voyage? Are we to believe that a vessel of 270 tons could make a profitable voyage from the Coast of Africa to the West Indies with African produce shipped in return for a cargo from Europe of less than 400*l.* in value, or are we to believe that the supercargo took the detained vessel from Rotterdam on a voyage down the whole West Coast of Africa without any definite object, but on the chance of picking up freight somewhere for Curaçoa? Neither supposition is in the slightest degree consistent with probability. But suppose, on the other hand, that the detained vessel, instead of being bound to St. Thomas, was really bound to the River Congo for the purpose, in pursuance of a preconcerted arrangement, of taking a cargo of slaves to Cuba, and every circumstance of her voyage from St. Jago de Cuba to the place where she was captured, is at once clearly accounted for. Recapitulating, then, the main points in this case which have been established to our satisfaction; bearing in view that the detained vessel, having cleared from Rotterdam for St. Thomas, was detained near the Congo, six degrees of latitude to the south of her port of destination; that she had on board at the time of capture casks, or staves fit for being set up into casks, capable of containing a total of 14,063 gallons of water; that in the face of these suspicious circumstances the master and supercargo have failed to prove either by the ship's papers, or by any other evidence, that the vessel was at the time of her detention engaged in a lawful voyage; that, on the contrary, all the circumstances of her voyage are inconsistent with the supposition that she is engaged in legal trade, and consistent with the supposition that she is engaged in a slave-trading voyage, the Court can come to no other conclusion than that the detained barque was at the time of her detention by Her Majesty's ship "Espoir" equipped for and engaged in the illicit Traffic in Slaves, in contravention of the Treaty of the 4th of May, 1818, between Great Britain and the Netherlands, and of the Additional Articles thereto. We therefore condemn the barque "*Jane*," together with her cargo, equipment, and stores, as good prize to the Crowns of Great Britain and of the Netherlands.

December 10, 1862.

(Signed)

G. SKELTON.

SAML. W. BLACKALL.

Inclosure 2 in No. 2.

Evidence in the case of the Netherlands barque "Jane."

Affidavit of Seizure.

In the British and Netherlands Mixed Court of Justice. Colony of Sierra Leone.

I, PATRICK JAMES MURRAY, Lieutenant of Her Majesty's steam-ship "Espoir," Sholto Douglas, Esquire, Commander, being duly sworn, make oath and say as follows, that is to say:—

1. That the said Commander is duly authorized and empowered, according to the Treaty entered into between Great Britain and the Netherlands, signed at the Hague on the 4th day of May, 1818, by a warrant from the Lords Commissioners of the Admiralty to make seizures of Netherlands' vessels engaged in and equipped for the Slave Trade, a true copy of which is hereunto annexed, marked A.

2. That on the 15th day of October, 1862, they fell in with a suspicious-looking vessel at anchor off Point Padrone, in the River Congo, and I was ordered by the said Commander to proceed on board and ascertain her character and occupation; and upon inquiry I found that she was the Netherlands barque "*Jane*," commanded by one B. A. Prince, with a crew of thirteen persons, two passengers, and a supercargo; and upon searching the said vessel she was found to have on board the following articles of Slave Trade equipment, namely, a ledge around the hold suitable for receiving a slave deck; 42 water-casks in the hold supposed capable of containing about 80 gallons each, and 1 large cask containing upwards of 200 gallons, and 2 casks on deck capable of containing about 80 gallons each; and a very large quantity of loose shooks and staves in the hold capable of forming about 30 more casks. No certificate having been produced by the master from the Custom-house at the place from which he cleared outwards, stating that security had been given by the owners of such vessel that such quantity of casks should only be used for the reception of palm oil, or for other purposes of lawful commerce. About 9 casks of farinha, 13 casks of flour, 22 casks of biscuit, each cask supposed to contain 250 lbs., and 18 casks of salt meat, and being a much larger quantity of provisions than was requisite for the use of her crew.

3. That upon ascertaining these facts I returned on board the said steamer, and reported the same to the said Commander, who immediately caused the said barque to be seized by reason of her being equipped for and engaged in the Slave Trade, contrary to the provisions of the before-mentioned Treaty entered into between Great Britain and the Netherlands.

4. That the undermentioned papers and documents now produced were given or delivered up to the said Commander by the said master in my presence, viz.:—

No. 1. Muster-roll, dated Curaçao, 26th March, 1862.

No. 2. Muster-roll, dated Rotterdam, 21st August, 1862.

No. 3. Register, dated Curaçao, 26th March, 1862.

No. 4. Register, dated Rotterdam, 15th August, 1862; and

Receipt for harbour dues, dated 15th August, 1862.

That the following papers also now produced were found by the said Commander in the baggage of the two passengers who were removed on board the said steamer to be landed at the Congo, at their own request, viz.:—

A, No. 1. Copy of charter-party of ship "Nightingale."

A, No. 2. List of cargo.

A, No. 3. Permit, dated Havana, 30th September, 1861.

And that the paper writing also now produced, marked A, No. 4, was given or delivered up by the supercargo, James R. Mellen, to the said Commander, from whom I received the whole of the said papers and documents; and that they are now in the same plight and condition as when received by me, without any fraud, addition, subtraction, alteration, or embezzlement whatever save the numbering and marking thereof.

5. That I was, after the seizure of the said vessel, placed on board, as prize officer, to navigate her to this port for adjudication, where I arrived on the 29th October.

6. That the several documents relating to the seizure also hereunto annexed, marked B and C, namely, a declaration of the seizure, and a certificate of the papers found on board, are, to the best of my knowledge and belief, true and genuine.

7. That no change has taken place in the said barque since the time of seizure, save and except the use of

fuel and water on the passage up, the removal of the two passengers as aforesaid, and the burning of 120 shooks and staves for firewood, not knowing at that time that there was any on board; but upon subsequently removing some of the staves in the hold a very large quantity was found.

(Signed) P. J. MURRAY.

On the 1st day of November, 1862, the said deponent, Lieutenant Patrick James Murray, was duly sworn to the truth of this affidavit.

Before me,
(Signed) WM. SMITH, Registrar.

Captor's Declarations.

I, the Undersigned, Sholto Douglas, holding the rank of Commander in Her Britannic Majesty's Navy, and Commanding Her Majesty's ship "Espoir," duly authorized by the Treaty between Great Britain and the Netherlands, dated 25th January, 1823, for the Suppression of the Slave Trade, do hereby declare that, on the 15th day of October, 1862, being at anchor off Point Padrone, I detained the Netherlands barque "*Jane*," whereof B. A. Prince is master, for having violated the said Treaty; and I further declare that the vessel had on board at the time of capture a crew of thirteen persons, two passengers, and one supercargo, an American. And I do also declare that I found this vessel in the following state, viz.:—In the hold 42 140-gallon casks, containing water and some bricks, besides staves and a considerable quantity of provisions.

Given under my hand this 15th day of October, 1862, off Point Padrone.

(Signed) SHOLTO DOUGLAS,
Commanding Her Majesty's ship "*Espoir*."

I, the Undersigned, Sholto Douglas, holding the rank of Commander in Her Britannic Majesty's Navy, and commanding Her Majesty's ship "Espoir," do hereby certify that on the 15th day of October, 1862, being at anchor off Point Padrone, I seized the Netherlands barque "*Jane*," whereof B. A. Prince is master, for being on the coast of Africa for slaving purposes.

I further certify that the papers which I have numbered 1 to 4 inclusive, are the whole of the documents, letters, and writings seized on board, which are hereunder specified and described, namely:—

1. Muster-roll, dated Curaçao, 26th March, 1862.
 2. Muster-roll, dated Rotterdam, 21st August, 1862.
 3. Register, dated Curaçao, 26th March, 1862.
 4. Register, dated Rotterdam, 15th August, 1862.
- Receipt for harbour dues, No. 289, 15th August, 1862. Nos. 922 and 923.
Signed by me the 15th day of October, 1862, at Point Padrone.

(Signed) SHOLTO DOUGLAS,
Commanding Her Majesty's ship "*Espoir*."

Examination of the Master of the said Vessel on Standing and Standing Special Interrogatories.

In the case of the Netherlands barque "*Jane*," B. A. Prince Master. Monday, November 3, 1862.

B. A. Prince, master of the said vessel, being produced, sworn, and examined on standing and standing special interrogatories, depose and saith as follows, viz.:—He was born in Curaçao, and has always lived there. Is a Netherlands subject, and has never been the subject of any other State. Is married, and his family reside in Curaçao. That Michael Brown Gorsira appointed witness to the command of the vessel. He lives at Curaçao, and is a subject of the King of the Netherlands. Witness took possession of the detained vessel at Curaçao on the 25th March, 1862. Has known the detained vessel since 1861. First saw her at Curaçao. She is American-built. Witness was present when the vessel was seized. Does not know why she was detained. Sailed under the Netherlands flag, and had no others. The name of the detained vessel is "*Jane*." Has always borne that name to witness' knowledge. Does not know whether she has been called by any other name. She is 270 tons burden. There were 14 officers and mariners on board, exclusive of witness. There were 5 Germans, 2 French, 1 Spaniard, 2 Dutch, 1 Norwegian, 1 Danish, 1 North American, 1 South American. Seven were shipped at Curaçao by witness on the 26th March last, and seven at Rotterdam by the shipping master on the 21st August, 1862. Neither witness nor any of the officers or mariners had any interest in the vessel or her cargo. Was master on board. There were two passengers shipped at Rotterdam for River Congo. The said passengers were not secreted at the time of capture. One of them was called Dubois, a Belgian, and the other a Spaniard, by the name of Cabias, who was a clerk to Dubois. Witness does not know on what business the said passengers were going to the Congo. By their own will they were taken from the "*Jane*" by the Commander of the "*Espoir*" to be landed at the Congo. The said passengers had no concern or authority, directly or indirectly, regarding the detained vessel and cargo. There was a supercargo on board, an American, by the name of Mellen, who owned the cargo. That the present voyage began at Rotterdam, and was to have ended at St. Thomas, on the African coast. The last clearing port was Rotterdam. From thence the detained vessel went direct to Elmina, where she discharged some cargo. The destination of the vessel was altered to Elmina by the direction of the supercargo. After leaving Elmina the "*Jane*" went to a place called Quinsembo, to the south of River Congo, where some more cargo was discharged. That Her Majesty's ship "*Espoir*" was first seen on the morning of the 14th October last, standing for Point Padrone, where the detained vessel was at anchor, and capture took place on the morning of the 15th. That on the 10th of October, while the vessel was on her way to the River Congo, she was detained by Her Majesty's ship "*Zebra*," Commander Hoskins, who sent an officer with eight armed men on board, and with instructions to anchor the vessel off Point Padrone, while the "*Zebra*" went to the southward. She returned on the morning of the 14th, and released the "*Jane*;" when witness was told, at the same time, to go where he liked. The vessel was not, however, released above eight hours when she was captured by the "*Espoir*," which was at anchor about a mile and a-half from the "*Jane*." The detained vessel was bound to the River Congo when she was first captured by the "*Zebra*," and afterwards by the "*Espoir*." That there are no guns mounted on board, nor are there any arms or ammunition. No resistance was made at the time of capture. Had no instructions to destroy or conceal any of the ship's papers. Witness, however, refused, in the first instance, to deliver up the papers of the vessel to the searching officer, but was afterwards forced to give them up to the Commander of the "*Espoir*," who gave him a receipt for them. That Michael Brown Gorsira is the owner of the detained vessel. Witness knows it because it is so stated in the register. He is a subject of the Netherlands, and has always resided with his wife and family in Curaçao. That he does not know whether there

was any bill of sale, nor when, where, or in whose presence it was executed, nor the price paid for the vessel. The detained vessel, if restored, will belong to the owner, Michael Brown Gorsira before-mentioned. That James R. Mellen, the supercargo, is the lader and owner of the cargo on board. He is an American, and witness believes he lives in New York. Witness first saw him in Curaçao, in the month of April last, when he chartered the vessel. The cargo was consigned to the supercargo, who was the owner, and if restored it will belong to him. The lading of the vessel on her last voyage was sugar, which was shipped at St. Jago de Cuba for Havre. From Havre the vessel went to Rotterdam to get permission to visit the coast of Africa; and which permission is endorsed on the register, and signed by both the Colonial and Exterior Ministers. The outward cargo consisted of provisions, which was shipped at Havre by the supercargo previous to the vessel visiting Rotterdam, at which last place bricks and gin were taken on board. Nearly all the outward cargo has been landed at Elmina and Quinsembo. Witness is certain that all the papers found on board the detained vessel are true and fair. Knows nothing to affect their credit. That no papers or other writings which were on board the vessel have been torn, thrown overboard, destroyed, or concealed, excepting the log-book, which is in witness' possession. That there are no papers or writings relative to the vessel and cargo in any other country to witness' knowledge. Believes that there was a charter-party between the supercargo and the owner of the ship, but witness has never seen it, nor knows its contents. Witness was told by the owner that the ship was chartered by the month to Mellen, and that he was to be under Mellen's orders. Witness knows that the ship is insured, but cannot say at what premium the insurance was effected. The vessel and cargo was under the direction of the supercargo with respect to her employment in trade. That bulk was broken at Elmina and Quinsembo, where nearly all the outward cargo was landed. That no slave or slaves have been shipped on board for the purpose of the Traffic in Slaves during the voyage. That no stores, sails, or any other articles whatever were taken out of the detained vessel at the time of capture. That no articles have been taken out of the detained vessel since her arrival at this port. The search of the detained vessel was conducted by Lieutenant Murray, of the "Espoir." Has been well treated.

Standing Special Interrogatories.

The hatches of the vessels are not fitted with open gratings. That the combings of the hatchways are not bored, nor are there any iron bars on board to fit them. That there are no divisions in the hold of the vessel. The cabin and forecabin are on deck. That there are about 12 or 13 planks on board for the use of the vessel; they are not numbered or fitted to any part of the vessel. There is no slave-deck laid. There were only two pairs of handcuffs on board for the sailors if they proved refractory. There are 23 water-casks on board for the use of the vessel, besides 20 casks belonging to the supercargo. Had no other means of conveying water. There are a few old staves which were used for dunnage when she carried sugar to Havre, and have been allowed to remain on board since. Some of these staves have been used for firewood. The whole of the casks are capable of containing 4,730 gallons. There were 15 casks of fresh water on board at the time of capture; the vessel was supplied with these casks in consequence of the length of the voyage, in which each seaman has to receive $1\frac{1}{2}$ gallon of water daily according to Dutch law. That there are no mess-tubs or kids on board. There are no iron or copper boilers on board, excepting a few saucepans for the use of the crew. To witness's knowledge there is a half-barrel of flour, a few barrels of biscuits, pork, beef and mackerel, also some codfish for the use of the vessel; likewise the under-mentioned articles which belong to the supercargo, viz:—

- | | |
|--|------------------------------------|
| L.—1 case, containing 100 tins soup à la Julienne. | 16 half-barrels family beef. |
| 2 ditto, containing 100 tins petit pois. | 4 jars containing 200 lbs. butter. |
| 2 ditto, containing 100 haricots verts. | 21 cases bread. |
| 1 ditto, containing langues de bœuf in tins. | 2 casks rum. |
| 2 ditto, containing 100 tins sardines. | 2 ditto, lamp oil. |
| 10 half-barrels of flour. | 4 kegs lard. |
| 1 case containing 100 tins assorted meats. | 1 case asperges. |
| 22 baskets cider. | 1 fromage du Gruyère. |
| 10 cases wine (Macon) | |

(Signed) B. A. PRINCE.

Examination of the Supercargo on Standing and Standing Special Interrogatories.

In the case of the Netherlands barque "*Jane*," B. A. Prince Master. Monday, November 3, 1862.

James Robert Mellen, supercargo of the said vessel, being produced, sworn, and examined on standing and standing special interrogatories, deposed, and saith as follows, viz: That the name of the master of the detained vessel in Bernadus A. Prince; has known him since March last. He was born in Curaçao where he resides with his family. The owner, Michael B. Gorsira, appointed the master to the command of the vessel. Gorsira resides in Curaçao with his family. The vessel was taken possession of by the master at Curaçao in March last. Witness has known the detained vessel about the latter part of February last. Believes she is American built. Was present at the detention of the vessel. He does not know why she was detained. She sailed under Netherlands flag, and had no others on board. The name of the detained vessel is "*Jane*." Does not know how long she has borne that name, nor whether she has been called by any other name. She is 270 tons burthen. There were 14 officers and mariners on board, exclusive of the master: they were mostly Dutchmen. Some of them were shipped at Havre by the Dutch Consul, and others at Rotterdam by the shipping master. Witness has interest both in the vessel and cargo. Does not know whether any of the officers or mariners had. Was supercargo on board. There were two passengers on board, one by the name of William Dubois, a Belgian, and Theodore, who is a native of France. The said passengers were taken on board at Rotterdam for River Congo, where they have a factory at a place called Landana. At their own request the passengers were taken from the "*Jane*" by the Commander of the "Espoir," to be landed at Landana. The voyage commenced at Havre, and was to have ended either at Curaçao or at a port of discharge in Europe. Rotterdam was the last clearing port whence she sailed for St. Thomas and the coast of Guinea. The detained vessel went direct from Rotterdam to Elmina, where she discharged some cargo; afterwards she went to Quinsembo, about three miles from Ambriz, where some more cargo was also landed. The vessel touched at the above places for trading purposes. The detained vessel was in the first instance seized by Her Majesty's ship "*Zebra*," Commander Hoskins, about twenty-five miles south of Point Padrone on the 9th or 10th October last, when an officer and crew were put on board of her. She was then anchored about five or six miles off Point Padrone for five or six days, when she was released by the "*Zebra*," and on the following day she was captured by the "Espoir" while at anchor in company with Her Majesty's ships "*Antelope*," "*Torch*," and "*Zebra*." The vessel being bound to St. Thomas and the coast of Guinea, her course was always in that direction when the weather permitted. Witness does not consider that

the vessel was sailing beyond her destination at the time of capture. There are no guns on board, nor are there any arms or ammunition, excepting one pistol. No resistance was made at the time of capture, nor were there any instructions to destroy or refuse to deliver up any of the ship's papers. Michael B. Gorsira is the owner of the detained vessel. Knows it from his acquaintance with Mr. Gorsira. He is a Dutchman and resides with his family at Curaçao, of which place he is a native. Witness believes that there must have been a bill of sale made to the owner of the vessel, but cannot tell when, where, and in whose presence it was executed, nor the price paid for the vessel. The vessel, if restored, will belong to Gorsira. Witness is the lader, owner, and consignee of the cargo on board the "*Jane*." He is a native of the Confederate States of America, where he and his family have resided for some years. The cargo was to be disposed of at the ports on the coast of Africa for the benefit of witness, and if restored will belong to him. The lading of the vessel on her last voyage was sugar, which was shipped at St. Jago de Cuba for Havre. The present cargo was a general one, part of which was shipped at Havre in transit for St. Thomas and the coast of Guinea, and part at Rotterdam, to be disposed of at the best advantage. There are about 2,000 dollars worth of cargo on board, but the rest has been landed at Elmina and Quinsembo for trade. That all the papers found on board the detained vessel are entirely true and fair. Knows of nothing to affect their credit. That no bills of lading, letters, or other writings which were on board at the time she took her departure from the last clearing port have been burnt, torn, thrown overboard, destroyed, cancelled, or concealed, except the manifest of some of the cargo shipped at Havre, which is in possession of witness. That there are some bills of lading relative to the cargo left at Elmina and Quinsembo. There was no charter-party signed for the voyage, but witness had a written agreement with the owner on shares of 75 per cent. to himself from the earnings of the ship, and 25 per cent. to the owner. From witness' share he is to pay the wages of the officers and crew, and all port charges and expenses. This agreement was signed some time in March last, and was left at the Custom-house at Curaçao. The vessel was insured in Holland at $8\frac{1}{2}$ per cent. premium. The cargo was not insured. The vessel was under the management of the master, but the cargo was under witness's control. Bulk was broken at Elmina and Quinsembo. That no slave or slaves have been put on board for the purpose of the Traffic in Slaves during the voyage. That no stores or any other articles were taken out of the detained vessel at the time of capture. That nothing has been removed from her since her arrival in this port. That Lieutenant Murray and the Paymaster conducted the search of the vessel. He has been well treated.

Standing Special Interrogatories.

That the hatches of the vessel are not fitted with open gratings. The combings of the hatches are not bored or otherwise fitted to receive iron bars or bolts, nor are there any iron bars on board. There is a little store-room abaft the cabin, which is on deck together with the fore-castle. There are about 10 or 12 boards on board for the ship's use; they are not numbered nor fitted to any part of the vessel. That there is a slave-deck laid. There are no shackles, bolts, nor handcuffs on board. That there are about 42 water-casks on board for the use of the vessel. These casks are capable of containing about 4,000 gallons of water. She had no other means of conveying water. There are a few staves which were used for dunnage and firewood. That there are no mess kids nor tubs on board. There are no copper or iron boilers on board, except a few saucepans used in the galley for the officers and crew. There are about 15 barrels of flour, 21 casks of bread, 8 or 10 barrels of beef and pork, and small cabin stores; the bread was for sale, but the rest of the provisions was for the use of the vessel.

(Signed) JAMES R. MELLEEN.

Examination of the Mate on Standing and Standing Special Interrogatories.

In the case of the Netherlands barque "*Jane*," B. A. Prince Master. Tuesday, November 4, 1862.

William Kierulf, mate of the said vessel, being produced, sworn, and examined on standing and special interrogatories, deposes, and saith as follows, viz:—That the name of the master of the detained vessel is B. A. Prince. Has known him about six months ago. To witness' knowledge the said master was born at Curaçao, where he lives with his wife and family. Witness believes that the master was appointed to the command of the vessel by the owner, who resides in Curaçao. Possession was given to the said master in March last, when witness saw the detained vessel for the first time. He does not know where she was built. He was present at the seizure of the vessel. Does not know why she was detained. She sailed under Netherlands flag, and had no others on board. That the name of the detained vessel is "*Jane*." She has borne that name since witness joined her. He does not know whether she has been called by any other name. She is 270 tons burthen. There were 14 officers and mariners on board, exclusive of the muster and supercargo; 2 were West Indians, 2 French, and the remainder Dutch and Danes. The supercargo belongs to the Southern States of North America. Some were shipped in Curaçao by the master, and some at Havre by the shipping master, but they were all re-shipped at Rotterdam. That neither he nor any of the officers or mariners had any interest in the vessel or cargo to his knowledge. Was chief mate on board. There were two passengers who joined the vessel at Rotterdam, and were bound to the coast; but witness does not know to what particular part. One of the passengers was called Dubois, and the other Cabias. They were either Belgians or Frenchmen. He does not know whether the said passengers had any interest in the vessel or cargo. The present voyage began at Rotterdam, and was to have ended either at Curaçao or some port in Europe. The detained vessel cleared from Rotterdam for the coast of Guinea, and proceeded direct to Elmina and Quinsembo, at which places some of the cargo was landed. That the vessel was in the first instance seized by Her Majesty's ship "*Zebra*," Commander Hoskins, about 25 miles off the mouth of the River Congo, who ordered her to be anchored off Point Padrone, and detained her for five or six days. After overhauling the ship she was released. The next morning she was again detained by Her Majesty's ship "*Espoir*," which was lying at anchor about two miles from the "*Jane*." Witness does not consider that at the time of capture the vessel was sailing beyond her destination, because she was bound to the coast. That there are no guns mounted on board, neither were there any arms or ammunition. No resistance was made at the time of capture, nor were there any instructions to destroy, conceal, or refuse to deliver up any of the ship's papers. Mr. Gorsira is the owner of the detained vessel. Witness heard in Curaçao that he was the owner. Gorsira is a Dutchman, and lives in Curaçao with his wife. Witness does not know whether any bill of sale was made to the aforesaid owner, nor does he know the amount paid for the vessel. Believes that the vessel, if restored, will belong to Gorsira. The supercargo is the lader of the cargo shipped on board the vessel, who has the entire control over it, but he does not know to whom it belongs. Does not know to whom the cargo will belong if restored. The lading of the vessel on her last voyage was sugar, which was shipped at St. Jago de Cuba for Havre. The present cargo is a general one, shipped partly in Havre, and partly in Rotterdam by the supercargo. To witness' knowledge all the papers found on board the detained vessel are entirely true and fair; knows of nothing to affect their credit. No papers belonging to the

vessel have been destroyed, concealed, or made away with, to witness' knowledge. He does not know whether there are any papers belonging to the detained vessel in any other country. That he does not know whether there was any charter-party signed for the voyage. He does not know whether the vessel and cargo are insured. The management of the vessel in regard to her trade was between the supercargo and the master. Bulk was broken at Elmina and Quinsembo, at which places a good deal of the cargo was landed. That no slaves or slave have been put on board for the purpose of the Traffic in Slaves during the voyage. That no stores or any other articles were taken out of the detained vessel at the time of capture. That nothing has been removed from her since her arrival here. That the rank of the officer who conducted the search was a lieutenant. He has been well treated.

Standing Special Interrogatories.

That the hatches of the vessel are not fitted with open gratings. That the combings of the hatchways are not bored, nor are there any iron bars on board to fit them. That there are no divisions in the hold of the vessel. The cabin and fore-castle are on deck. There are about 14 planks on board for the carpenter's use, but they are not numbered nor fitted to any part of the vessel. There is no slave-deck laid. That there are two or three pairs of handcuffs on board for the sailors. There are about 45 water-casks on board. Had no other means of conveying water. There are no tanks, but some staves which were used for dunnage when she had cargo, and afterwards for firewood. The 45 casks are capable of containing about 3,000 gallons of water. There are no mess kids or tubs on board. There is no copper or iron boiler on board, except what is used in the galley for the officers and crew. There are about 10 barrels of flour, about 12 barrels of pork and beef, 21 barrels of bread, 1 box codfish and preserved meats; all (except the bread, which is for sale) are for the use of the officers and crew.

(Signed)

WILLIAM KIERULF.

Claim of the Master for the Vessel and Cargo.

Barque "*Jane*," Bernadus Antony Prince Master. November 8, 1862.

The claim of the said Bernadus Antony Prince, the Master of the said barque "*Jane*," a subject of His Most Faithful Majesty the King of the Netherlands, for the said barque, her tackle, apparel, and furniture, goods, wares and merchandize, as were on board the said barque at the time of the capture by Her Majesty's ship "*Espoir*," Sholto Douglas, Commander, and brought to Sierra Leone, and for the said barque, her tackle, apparel, and furniture, the sole property of Michael Brown Gorsira, an inhabitant and native of Curaçao, and her cargo the sole property of James Robert Mellen, an inhabitant of the Confederate States of America, and native of Savannah, Georgia, and as protected by the Treaty or Convention between His Britannic Majesty and His said Most Faithful Majesty dated the 4th day of May, 1818. And for all costs, charges, losses, damages, demurrage, and expenses as have arisen, or shall or may arise, by means of the capture and detention of the said barque and her cargo as aforesaid.

(Signed)

B. A. PRINCE.

Affidavit of the Master in support of the Claim.

Barque "*Jane*," Bernadus Antony Prince Master. November 8, 1862.

Appeared personally, the said Bernadus Antony Prince, the master of the said barque, and maketh oath that he is a subject of His Most Faithful Majesty the King of the Netherlands, and was master of the said barque at the time of the capture thereof by Her Majesty's ship "*Espoir*," Sholto Douglas, Commander, and that the said barque was so captured on the 15th of the month of October, 1862, in the prosecution of her voyage from Quinsembo on the Coast of Africa to the River Congo, with a cargo of general merchandize. And he further maketh oath that Michael Brown Gorsira, of Curaçao, a subject of His said Most Faithful Majesty, was at the time of the said capture, and now is, the true, lawful, and sole owner and proprietor of the said barque, her tackle, apparel, and furniture. And that James Robert Mellen, an inhabitant of the Confederate States of America, native of Savannah, Georgia, is the sole owner and proprietor of her said cargo. And the deponent further maketh oath that he verily believes the said barque and cargo are protected by the Treaty and Convention between His said Britannic Majesty and His said Most Faithful Majesty, and he further maketh oath that no person or persons other than the persons before-mentioned have any right, title, or interest in the said barque, her tackle, apparel and furniture, goods, wares, and merchandize on board the same at the time of capture and seizure thereof, and that he is duly authorized to make the claim hereunto annexed, and that the same is a true and just claim, and that he shall be able to make due proof and specification thereof.

(Signed)

B. A. PRINCE.

On the 11th day of November, 1862, the said Bernadus Antony Prince was duly sworn to the truth of this affidavit, and of the claim hereunto annexed.

Before me,

(Signed) WM. SMITH, Registrar.

Examination of the Master on Special Interrogatories.

In the case of the Netherlands barque "*Jane*," B. A. Prince Master. Thursday, November 13, 1862.

The master of the said vessel, being produced, sworn, and examined on special interrogatories put on behalf of the captors by permission of the Judges of the said Court, deposeth, and saith as follows, viz:—That he produces the log-book which he kept on the passage. It was asked for by the captors whilst inspecting the papers of the detained vessel; but they did not take it from him, nor did he refuse to deliver it up. That after touching at St. Thomas, which was the port of destination, the detained vessel was to have come to the Coast of Africa by directions of the supercargo. But while at sea the supercargo changed his mind, and ordered the vessel to be taken to Elmina. That the manifest of the cargo shipped at Havre for St. Thomas in transit for Rotterdam was signed by witness, for the supercargo, to whom it was delivered; it was not therefore in his possession to give it up to

the captors at the time of seizure. There was no manifest of the bricks and gin shipped at Rotterdam. That the clearance of the barque from Rotterdam for St. Thomas was, according to law, lodged at the Custom-house at Helvoetsluys, where an endorsement to that effect was made on the register of the vessel on the 23rd of August last, and signed by the Chief Officer of the Customs. There was no clearance from Elmina.

(Signed) B. A. PRINCE.

This examination was taken, and the truth thereof sworn to.

Before me,
(Signed) WM. SMITH, Registrar.

Examination of the Supercargo on Special Interrogatories.

In the case of the Netherlands barque "*Jane*," B. A. Prince Master. Friday, November 14, 1862,

The supercargo of the said vessel, being produced, sworn, and examined on special interrogatories put on behalf of the captors by permission of the Judges of the said Court, deposes, and saith as follows, viz.:—That wines, brandy, and provisions were landed at Elmina and Quinsembo. At the former port the cargo was left for sale under the care of William Ames, an American, who resides there; and at the latter place it was also left for sale under the care of John R. Lovitt. He was to receive money and produce in exchange for it. The detained vessel was to have gone from Congo to St. Thomas, and the payment of the cargo was to be received on the return voyage up the coast. There was no bill of lading, but he left invoices of such cargo as was landed at Elmina and Quinsembo with the parties already mentioned. He received receipts for the cargo landed, and will produce them.* That he will produce the manifest of the cargo shipped at Havre. There was no manifest of the cargo shipped at Rotterdam. At the time of seizure witness was asked for the manifest of the cargo shipped at Rotterdam, but not for that shipped at Havre. That he has not a copy of the agreement entered into with the owner of the "*Jane*," but it was therein stipulated that witness was to have the entire use of the vessel on a trading voyage to go where he liked for twelve months, during which time if witness chartered the vessel to any one, the owner was to receive 25 per cent. of her freight money, he (witness) paying all the expenses of the ship; but if the vessel was loaded by witness he was to pay the owner 800 dollars per month, the owner paying the expenses. There was no other condition of any importance to witness' recollection. That the clearance of the barque from Rotterdam is on the register of the ship. There was a clearance from Elmina on a small slip of paper which is somewhere on board the vessel, and which he will look for and deliver into Court.* That the vessel having cleared for St. Thomas and the Coast, it was optional as to which she first touched at. That the vessel went to the River Congo to dispose of the remaining cargo, as well as to look for freight. That the bricks on board were for sale.

(Signed) JAMES R. MELLEN.

This examination was taken, and the truth thereof sworn to.

Before me,
(Signed) WM. SMITH, Registrar.

Surveyors' Report.

Mixed Court of Justice, Colony of Sierra Leone.

In the case of the Netherlands barque "*Jane*," whereof B. A. Prince was Master.

To their Honour's the Judges of the said Court.

In pursuance of a Commission of Survey and Inspection to us directed, dated 4th day of November, 1862, we proceeded on board the said vessel "*Jane*" on the 6th day of November, and found her fitted with the usual fore, main, and after-hatchways, also a small circular scuttle abaft the cabin house leading down into a store room. On opening the hatches and going down into the hold, we found the fore-hold encumbered with a quantity of bricks, which prevented our getting to the floor or ceiling of the vessel; these we requested might be shifted into the fore-peak, which being occupied by a small quantity of shooks or staves, we examined. In the main-hold we found several tons of flint for ballast, at the fore part of which was stowed a number of water-casks of various sizes; some were filled with fresh and some with salt water, for ballast. We found a stringer running fore and aft the hold, forming part of the permanent structure of the vessel, as also four beams; the height between the upper part of which and the lower part of the upper deck beams measured 3 feet 9½ inches, being well adapted to the purpose of laying a slave-deck. We found no bulkhead of partition in the hold; the hatchways were fitted with close hatches as usual in merchant-ships. We found no gratings, nor any appearance in the combings of the hatches of their having been fitted to receive gratings.

November 7th. We again proceeded on board the "*Jane*," and examined the main-hold down to the floor, lifting limber boards on both sides the keelson, the flint ballast having been cleared away as recommended yesterday. Gauged 20 water-casks varying from 105 to 184½ gallons, which we found capable of containing in all 2,601 gallons.

November 8th. We again proceeded on board the "*Jane*," and found on deck 18 casks capable of containing water which had been hoisted out of the after hold; these we gauged and found they would contain 126 gallons each, or a total of 2,268 gallons. We also found three casks full of fresh water in the after-hold, which on gauging we found to contain respectively 122½, 126½, 245 gallons. We also found and counted 1,920 loose staves of casks, average length 46 inches, which if set up, and allowing 22 to the puncheon, would furnish 87 puncheons.

Recapitulation.

	Gallons.
20 casks various sizes	2,601
18 empty and three full	2,762
87 puncheons, not set up	8,700
Total	14,063

* No such papers were produced.

November 10th. Again proceeded on board the "*Jane*," and hoisted on deck 21 casks of biscuits, which we weighed, and found to vary from 533 lbs. to 700 lbs. gross. Finding the weights differ so much without a corresponding difference in the size of the casks to account for it, we deemed it necessary to open and empty some of the casks.

November 14th. Proceeded on board the "*Jane*." Opened, and weighed and emptied five casks of biscuit; taking the lightest, the heaviest, and three intermediate weights, they proved to contain nothing but biscuit. The empty casks we weighed to obtain tare, which proved 104 lbs. each cask; this tare allowed on 21 casks gives 2,184 lbs., which, deducted from the gross weight, 12,345 lbs., leaves the net weight of biscuit 10,161 lbs. This quantity of bread would furnish a crew of sixteen men, at the rate of 1 lb. per man per diem, with bread for 635 days. We also found on board the following articles of provisions:—

	No.
Flour in barrels	8
Ditto $\frac{1}{2}$ barrels	9
Biscuit in barrels	5
Beef in $\frac{1}{2}$ barrels	17
Pork in barrels	6

This terminates the survey, and we do hereby declare that we have made this inspection and survey fairly, minutely, and conscientiously, to which we are prepared to make affidavit.

Given under our hands in Freetown, in the Colony aforesaid, this 17th day of November, 1862.

(Signed) THOMAS PIKE,
G. R. GIBSON, } Surveyors.

Affidavit of William Paterson in support of the Claim.

In the case of the Netherlands barque "*Jane*," Bernadus Antony Prince Master.

Appeared, personally, William Paterson, captain of the barque "*Nereid*," who maketh oath and saith:—That in the morning of the 25th instant, together with Captain Robert Smith, of the barque "*Bangalore*," he went on board the Netherlands barque "*Jane*," Bernadus Antony Prince Master, and carefully examined the four beams in the hold of the said vessel. That they are necessary for the proper security of the masts; he believes they were built with the ship. The top of them is about $4\frac{1}{2}$ feet from the deck, and there are 31 feet 3 inches between the after beam at the foremast and the forebeam at the mainmast. He has been twelve years at sea. In his opinion they are not suitable to lay a slave-deck on. The foremast and mainmast of every vessel of that size requires wedging between decks, and it is necessary to have such beams for that purpose. These masts are secured in the usual way with wedges. There is a second lining in the vessel that runs up from the sister kelson to the bottom of these beams for the purpose of preserving the cargo dry. It is made of inch pine boards; the ceiling comes up as high as the bottom of the said beams. The top of this second lining is not suitable to lay a deck on. In his opinion it would be impossible to lay a deck on this ledge. He surveyed some wooden-bound casks that were on the deck and were pointed out to him by the supercargo of the said vessel; he did not count them—he thinks there were about 18; they were damaged; the heads were out; the hoops damaged; every one more or less damaged; they were empty. They were not capable of holding water, they could not be made capable of holding water they are so far damaged.

(Signed) WILLIAM PATERSON.

On the 25th day of November, 1862, the said William Paterson was duly sworn to the truth of this affidavit.

Before me,
(Signed) WM. SMITH, Registrar.

Affidavit of Robert Smith in support of the Claim.

In the case of the Netherlands barque "*Jane*," Bernadus Antony Prince Master.

Appeared, personally, Robert Smith, captain of the barque "*Bangalore*," who maketh oath and saith:—That on the morning of the 25th instant he, together with Captain Paterson, of the barque "*Nereid*," went on board the Netherlands barque "*Jane*," Bernadus Antony Prince Master, and carefully examined the four beams in the hold of the said vessel, two of which are placed to secure the foremast, and two to secure the mainmast. That such beams are absolutely necessary, and are in every vessel to secure the mast. That from the top of the said beams to the deck is 4 feet 6 inches, and from the afterbeam of the foremast to the forebeam of the mainmast is 31 feet 3 inches. The beams are about 9 inches in depth. There is a second lining in the said vessel which runs from the sister kelson up to the bottom of the said beams. The lining is made of inch pine boards; this lining is put on for the purpose of preserving the cargo dry. The top of the ledge of the ceiling is just the width of the plank, about an inch. To lay a deck on the beams would require planks 36 feet long and other beams. If a deck was laid on the beams, and deck also on the ledge of the ceiling, this latter deck would only have 9 inches in height. He does not think the ledge suitable to lay a deck on. Last August twelve months he left Montreal with a cargo of grain in bulk in the vessel he now commands, and she was lined in a similar manner, but from the keel up to the deck all over. He saw on the deck of the said vessel a lot of wooden-bound casks. The supercargo of the said vessel pointed them out to him. None of them are capable of holding water. They are all damaged more or less. They are not water-casks. They are what he should call bread-casks. They were all standing on their heads,—they had no water in. He has been twenty-five years at sea. He would not, under any circumstances, purchase such casks for holding water not for his ship.

(Signed) ROBT. SMITH.

On the 25th day of November, 1862, the said Robert Smith was duly sworn to the truth of this affidavit.

Before me,
(Signed) WM. SMITH, Registrar.

Affidavit of the Master in support of the Claim.

In the case of the Netherlands barque "*Jane*," B. A. Prince Master.

Appeared, personally, Bernadus Antony Prince, master of the said vessel, who maketh oath and saith :—

1. That he has been engaged on the sea for twenty-one years, and has been master of several vessels for the last thirteen years sailing under the Netherlands flag.

2. That it is customary in Netherlands vessels to allow to the crew and people on board (and this deponent in the said vessels that he has commanded has always done so) such quantity of water to each person as he may require, without regard to measurement.

3. That by law a Netherlands vessel is required to ship sufficient quantity of water to allow to each person on board two gallons per day during the voyage.

4. That he believes that the majority of the vessels from Rotterdam to St. Thomas are more than eighty days on the voyage, and that it would be proper on such a voyage to have on board sufficient water for ninety days; and that it is customary for Netherlands vessels on such a voyage to have sufficient water for ninety days or more.

5. That when the said vessel, the "*Jane*," left Rotterdam the water for the use of the crew was contained in 23 iron-bound water-casks, which he estimates as containing 2,800 gallons, being about the quantity required by law for a voyage of ninety days for the persons on board the said vessel.

6. That the said vessel had a very quick passage from Rotterdam to the place where she was seized by Her Majesty's vessel "*Espoir*," and that at that time she had remaining six casks of water only.

7. That on the 21st of this present month of November, which is about ninety days from the day of her leaving Rotterdam, she had about half a cask of water remaining.

8. That the ledge or stringer round the hold of the said vessel referred to by the evidence in this case is part of the permanent structure of the vessel, and is the top of an extra ceiling which is in the said vessel, and which is very common in vessels. That he has often seen the same sort of lining in other vessels, which is placed in for the purpose of keeping the cargo dry, and preserving the lining and the bottom of the ship from being injured. That the said lining was not put in the said vessel for the purpose of laying a slave-deck, and he believes it could not be used for that purpose, and would be perfectly useless for any slave-deck that might be laid on the beams.

9. That he has seen the four beams referred to in the report of survey in this case, and that these beams were not put in the vessel for the purpose of laying a slave-deck, but for better securing the fore and mainmasts. That two of the said beams are placed one before and the other aft the foremast close to the mast, and heavy knees are bolted fast to the beams forming a socket or hole through which the mast runs, and the other two beams, in the same way, secure the mainmast. That the greater number of ships about the same tonnage of the "*Jane*" have beams of similar description. That he believes that there is about 40 feet between the foremast and the mainmast.

10. That he shipped on board the said vessel on the 25th March last, at Curaçao, at which time there was no salt taken on board, and he found the staves referred to in the Report of Survey in this case, with others which have been used for fuel, in the hold of the said vessel; and he believes they had been used for dunnage in some former voyage and left there.

11. That he began loading her cargo of salt on the 27th of March last, and he caused the said staves to be laid on the bottom of the vessel for dunnage for the salt to be stowed on.

12. That after the salt was discharged they remained in the vessel, and were used also for dunnage in stowing the cargo of sugar at St. Jago. That after the said cargo of sugar was discharged they remained in the said vessel, and were used for dunnage, and many were used for fuel. That the greater part of the said staves are old staves; there are some good among them, and it would require as many as thirty to make a ton butt. That the said staves are not the property of J. R. Mellen, the supercargo, and were not shipped on board by him or taken or kept on board for any illegal purpose whatsoever, but solely in the manner and for the purpose above stated.

13. That he was unable at Havre to get any other ballast than sand, which is very bad ballast, and liable to get through the planking and injure the bottom of the vessel and stop the limbers. That this deponent obtained from another vessel discharging ballast at Havre the flint stone ballast found in the said vessel and referred to in the evidence of this case; and this deponent finding that the said flint stones were not sufficient ballast for the said vessel, and being unable to obtain other ballast than sand, the remaining quantity of ballast required was placed in the said twenty-one casks wooden-bound referred to in the said evidence. That the said twenty-one casks were shipped on board for that purpose, and for no other purpose, and that they were not fit to carry water, the water having leaked out from the majority of them. That the said last-mentioned casks are common bread casks, the staves and hoops being slight, and he believes it would be impossible to make them capable of holding palm oil. That in the present state they are not capable of holding water, the greater part of them fell into pieces when they were taken out of the hold of the said vessel; and this deponent believes that none of the said last-mentioned twenty-one casks were capable of holding water when the said vessel was seized by Patrick James Murray, Lieutenant of the "*Espoir*," on the 15th of October last.

14. That there was no manifest given at Rotterdam, and no other clearance than that endorsed on the register of the said ship, which is filed in the office of this Honourable Court. That the receipts and permits and accounts of and relating to the goods shipped at Rotterdam were delivered up to the Chief Officer of the Customs at Helvoetsluys, in accordance with the customs and law at that place.

15. That there is no farinha on board the said vessel, and never has been during the said voyage.

16. That in answer to the 8th standing special interrogatory this deponent stated "that the present voyage began at Rotterdam, and was to have ended at St. Thomas, on the African coast;" and in answer to the 2nd special interrogatory on the 13th of November, 1862, this deponent saith, "that after touching at St. Thomas, which was the port of destination, the detained vessel was to have come to the coast of Africa." And this deponent saith that, upon reading the said two answers and the interrogatories to which they are respectively answered he finds that he misunderstood the interrogatories. That the voyage began at Curaçao under an agreement with J. R. Mellen, supercargo and hirer of the said vessel. That when she sailed with salt from Curaçao to St. Jago this deponent did not know where she would go from St. Jago, that was to be determined by the said J. R. Mellen; in like manner when she left St. Jago this deponent did not know where she would go; and in like manner when she left Rotterdam it was impossible for this deponent to know, and in fact he did not know at what place the said voyage would have ended, because that depended on the determination of the said J. R. Mellen.

17. That although the clearance of the said ship states that the vessel is bound to St. Thomas and the coast

of Africa, yet this deponent believes that it was at the option of the said J. R. Mellen to take the vessel to any port on the coast of Africa, there to load her and to return to Europe.

18. That it is not correct to say therefore that the voyage was to have ended at St. Thomas, or that after touching at St. Thomas, which was the port of destination, the said vessel was to have come to the coast of Africa; her destination was any port that the said J. R. Mellen might have thought proper to have entered without touching at St. Thomas. Her voyage commenced at Curaçao, and would have ended at Curaçao or at any Dutch port.

19. That this deponent was not on shore at Elmina; that J. R. Mellen, the supercargo of the said vessel, did not tell him he had a clearance, and he never asked the said supercargo if he had obtained a clearance from Elmina; and when this deponent on the 13th of November instant said, in answer to the special interrogatories filed in this cause, that there was no clearance from Elmina, he should have said instead of that answer, not to his (this deponent's) knowledge, there was no clearance.

20. That this deponent believes that if the "*Jane*" was engaged in the Slave Trade she could have taken a cargo of 800 slaves; that the average length of a voyage from Guinea to Cuba is forty-five days; that each slave would have required at least one gallon of water per day; that it would have been necessary to have 36,000 gallons of water for the slaves alone, which would have required from 275 to 300 casks, in addition to the water that would have been required for the use of the crew, viz., about 1,350 gallons, or say 2,000 gallons, which would have required about fifteen casks additional, making a total of 315 casks required.

21. That the water-casks found in the hold of the said vessel, and at the fore part of the flint-stone ballast, and referred to in the report of the surveyors in this case, dated 17th November, 1862, as having been there found by them, some filled with fresh and some with salt water, for ballast, were seventeen of the iron-bound water-casks mentioned in the evidence of this case which were filled with salt water, having been so filled after the fresh water had been used out of the said casks, and also thirty of the said wooden-bound casks referred to in the evidence of this cause, which this deponent believes were empty, and this deponent does not believe that any of the said twenty casks contained fresh water.

(Signed) B. A. PRINCE.

On the 27th day of November, 1862, the said Bernadus Antony Prince was duly sworn to the truth of this affidavit.

Before me,
(Signed) WM. SMITH, Registrar.

Affidavit of the Supercargo in support of the Claim.

In the case of the Netherlands barque "*Jane*," Bernadus Antony Prince Master.

Appeared personally James Robert Mellen, supercargo of the said vessel, and maketh oath and saith:—

1. That the ledge around the hold of the said vessel, referred to in the affidavit of seizure of Patrick James Murray, Lieutenant of Her Majesty's steam-ship "*Espoir*," is the same as the stringer running fore and aft the hold of the said vessel, and referred to in the Report of the Surveyors dated 17th November, 1862, and is the top of an extra ceiling, so called by shipwrights, and is made of planks running from the keel up the sides of the ship, forming a second lining, for the purpose of keeping the cargo dry, and further from the water, and also for the purpose of preserving the first lining and the bottom of the ship from being injured by the cargo, and is built in and forms part of the permanent structure of the vessel. That for fifteen years past he has had considerable experience amongst shipping; every ship has not such second casing, but a large proportion of them have, and there is nothing in the second casing of this vessel different from what he has repeatedly seen in other vessels.

2. That he has seen the four beams referred to in the said Report of Survey; that they form part of the permanent structure of the vessel, and are heavy beams put in the ship for the purpose of securing the ship; that two of the said beams are placed one before and the other aft the foremast close to the mast, and heavy knees are bolted fast to the beams, forming a socket or hold through which the mast runs, and the other two of the said beams are in like manner placed close to the mainmast of the said vessel. That such beams are so placed and for the same purpose, viz., for securing the masts in single-decked vessels, such as the "*Jane*," and in vessels of larger and smaller tonnage; that they are usual, and he has repeatedly seen them in such vessels. That the said beams were not put in the vessel for the purpose of forming a slave-deck; that he believes there is full forty feet between the foremast and mainmast of the said vessel, and that if planks were to be laid from one beam to the other for the purpose of a slave-deck, the said ledge or stringer could be of no use whatever in laying the said deck. That the said ledge cannot be correctly called a stringer, and is nothing but the top of the said ceiling. That the depth of the hold of the said vessel is 12 feet.

3. That the twenty iron-bound casks on board the said vessel belong to the said ship, and were on board the said vessel when he shipped at Curaçao, and were filled with fresh water for the use of the vessel, and he believes they contained no more than the necessary and usual quantity of water supplied to vessels on a voyage from the West Indies to Europe.

4. When the said vessel left Curaçao she was loaded with salt on freight, which was consigned to merchants at St. Jago de Cuba and there discharged, and the cargo of sugar was then shipped. That the staves found on board the said vessel were used as dunnage for the said cargo of salt as well as for the said cargo of sugar, and were no more than necessary for that purpose. That the said cargo of salt was stored in bulk and laid on mats, which mats were laid on the said staves. That the said cargo of sugar was in hogsheads, and the said staves having been left in the said vessel when the said cargo of salt was discharged were used as dunnage for the said sugar; and when the said cargo of sugar was discharged at Havre they were left in the said ship, together with many others that during the last six weeks of the voyage were used as fuel. That the said staves are not his property, and belonged to the ship, and were on board the said ship when he shipped at Curaçao, and he believes they have been formerly used as dunnage.

5. That the twenty-one other casks referred to in the said Report of Survey are his property, and are old bread casks, and were shipped at Havre, and filled with fresh and salt water, and stowed in the bottom of the ship for ballast. That the flint-stone found on board the said vessel as ballast was put on board the said vessel at Havre, and taken out of a vessel there discharging ballast. That he took all the flint he could obtain out of the said vessel, and there was no other ballast than sand to be obtained at Havre. That sand is bad ballast, and runs between the timbers of a ship and chokes the limbers, and, therefore, the twenty-one casks of water were shipped as ballast with water. That the said twenty-one casks are unfit to carry water, are not water-casks, and are not capable of holding water. That when they were taken out of the hold in the harbour of Freetown a great many

of them fell to pieces; the water was out with the exception of a few gallons remaining in some of them. That the said casks are bound with wooden hoops, and could not be set up without new hoops, the staves being thin and unsuitable for water-casks. That the said twenty-one casks were so shipped on board and filled with water for no other purpose whatever. That twenty-two of the said staves would not make a puncheon, it would require from twenty-eight to thirty. That, in their present state, they are not capable of holding water, the greater part of them fell into pieces when they were taken out of the hold of the said vessel; and this deponent states that he believes that none of the said last-mentioned twenty-one casks were capable of holding water when the said vessel was seized by Patrick James Murray, Lieutenant of the "Espoir," on the 15th October last. That it would be impossible to make any such twenty-one bread-casks capable of holding palm-oil. That when the said twenty-one casks were so shipped by him at Havre he did not obtain from the Custom-house at Rotterdam, the place from which the said vessel cleared outwards, a certificate that such casks were only to be used for the reception of palm-oil, because, as stated above, it would be impossible to make any such casks capable of holding palm-oil, and for the same reason he did not suggest or advise the master of the said vessel to obtain such certificate.

6. That after discharging the said cargo of sugar at Havre, he endeavoured to obtain freight from Havre to the West Indies or other place. That there was no freight at Havre that would pay, and he then determined to take merchandize on his own account to trade, and look for freight on the Western Coast of Africa. That in consequence of such determination he purchased cargo for such trade at Havre (and the said vessel having a Colonial register upon which was an endorsement to the effect that she was not allowed on the Coast of Guinea, or through the Straits of Gibraltar), he proceeded with the said vessel to Rotterdam, to obtain permission from the King of the Netherlands to proceed with such vessel on the said voyage, which consent is endorsed on the register now filed in this Honourable Court, duly signed by the Foreign and Colonial Ministers.

7. That there is no farinha on board the said vessel, and he conceives that the said Patrick James Murray must have made a mistake in his said affidavit of seizure, in which he swears that he found nine casks of farinha on board the said vessel, such being impossible, as there was no farinha in casks, or in any other receptacle on board the said vessel.

8. That he purchased and shipped at Rotterdam with other cargo, 20,000 bricks, and also some gin. That the said bricks are still in the said vessel, and were purchased solely for trade. That he had not sold any when the said vessel was seized, as he had found no person who wanted to buy them. That he received for the passage money from Rotterdam of the two passengers, the one named Dubois, and the other named Cabias, from Bernadus Antony Prince, the Master of the said vessel to whom it was paid, the sum of 750 guilders, the said persons having taken their passages at Rotterdam, and being otherwise than as passengers entirely unconnected with him, the said vessel, or the said voyage.

9. An Officer of Customs, as is the practice at Rotterdam, was put on board the vessel when she first went into the canal, and he remained on board until the ship passed out of the canal again, and as the ship was loading he kept an account of the goods taken on board, and as the duties were paid, permits and receipts were given by the broker to the master, and a paper of clearance from Rotterdam to Helvoetsluys, and all these documents were given up at Helvoetsluys to the Chief Officer of Customs, who endorsed on the register the clearance for sea. That vessels coming out from Rotterdam with cargo to the West Coast of Africa do not obtain a manifest from the Custom-house; there was accordingly no manifest of the cargo shipped at Rotterdam, obtained at Rotterdam or Helvoetsluys.

10. That when he left Rotterdam it was his wish to clear the vessel in such form as would enable him to enter any place on the Coast of Africa that he might consider most desirable for trading purposes, and he considers that under the clearance obtained he was at liberty to proceed, before touching at St. Thomas, to any place he might have desired. That he took the vessel to Quinsembo, considering that place was likely to have afforded the best market, and for the same reason he was proceeding to the River Congo, and intended from thence to have gone to St. Thomas, when the said vessel was seized as aforesaid.

11. That in answer to the 7th special interrogatory, he stated that he had an interest in the cargo and vessel, and this deponent states that he has no interest whatever in the vessel further than under his agreement with the owner of the said vessel, for the use of the said vessel during the present voyage. That he is not the owner, nor has any part or share as owner of the said vessel, nor is there any agreement between himself and the owner that he is to purchase the vessel.

12. That the substance of the agreement between himself and the owner is, that if the vessel was to be loaded by him he is to pay the owner 800 dollars per month, the owner paying the ship's expenses, and that if the vessel was employed in taking freight he, this deponent, was to pay the ship's expenses, and 75 per cent. on the freight, and the owner 25 per cent.

13. That by the ship's articles filed in this Honourable Court, to which this deponent begs leave to refer, the seamen were to be discharged either at Curaçao or a port of discharge in Europe, upon the determination of the voyage.

14. That by the clearance of the said ship at Rotterdam, the said voyage was not to have ended at St. Thomas or at any particular port on the Coast of Africa, and this deponent believes that he was at liberty to have taken the ship, as best suited his mercantile interest, to any place on the Coast of Africa.

15. That B. A. Prince, the Master of the said ship, was not on shore at Elmina; that the clearance from Elmina was upon a small piece of paper, and was with the receipts of the cargo of the said vessel in a small portfolio, which was usually kept in this deponent's trunk in his cabin, and was there when the said vessel was seized as aforesaid by the said P. J. Murray. That the day after the said seizure he left the said portfolio on the cabin table where this deponent was writing, and he has been informed by the steward of the said vessel that he put the said portfolio and its contents in the trunk of one of the said passengers believing it was his property, and the same trunk together with the portfolio was taken on board of the "Espoir."

16. This deponent believes that such a vessel as the "*Jane*" would, if engaged in the Slave Trade, have carried as many as 800 slaves. That estimating that each slave was to have 1 gallon of water a day, and that the voyage lasted 45 days, it would have been necessary to have had 36,000 gallons of water on board, which would have required from 275 to 300 casks, each containing 120 gallons.

17. That estimating the length of voyage to enable a ship to take in sufficient provisions and water, this deponent believes that the voyage from Rotterdam to St. Thomas on the Coast of Africa was to be reckoned at 80 days, and from St. Thomas to Curaçao or a port in Europe at 50 days. That allowing 2 gallons a day for a crew of 15 men for 80 days, 2,500 gallons would be required, and that the 23 iron-bound water casks on board the said vessel, would not have taken more than necessary for such a voyage.

18. That on the 25th instant he showed the said wooden-bound bread casks on board the said barque "*Jane*" to Robert Smith, Captain of the barque "*Bangalore*," and William Paterson, Captain of the barque "*Nereid*," before they surveyed the said casks.

19. That the water-casks found in the hold of the said vessel and at the fore part of the flint-stone ballast, and referred to in the Report of the Surveyors in this case dated 17th November, 1862, as having been there found by them, some filled with fresh and some with salt water for ballast, were 17 of the iron-bound water-casks mentioned in the evidence in this case which were filled with salt water, having been so filled after the fresh water had been used out of the said casks, and also three of the said wooden-bound casks referred to in the evidence in this case which this deponent believes were empty, and this deponent does not believe that any of the said 20 casks contained fresh water.

20. That this deponent saw four factories at Quinsembo, two owned by Englishmen, one by a Dutchman, and the other by an American, John R. Lovitt, and that the said factories do not trade in slaves, but in ivory, gum, and copper ore, and other African produce.

21. That when this deponent was at Havre and endeavouring to get freight for the said vessel, all the ports in the Confederate States of America with the exception of New Orleans were under blockade, and no remunerating freight was offering at Havre for the Southern States or elsewhere.

(Signed) JAMES R. MELLEN.

On the 27th day of November, 1862, the said James Robert Mellen was duly sworn to the truth of this affidavit.

Before me,
(Signed) WM. SMITH, Registrar.

Affidavit of the Steward in support of the Claim.

In the case of the Netherlands barque "*Jane*," Bernadus Antony Prince, Master.

Appeared personally, Rafael Gonzalez, steward of the said vessel, who maketh oath and saith:—

1. That the said vessel was seized on 15th October last, by Her Majesty's ship "*Espoir*."
2. That on the 16th October last he saw lying on the cabin table a portfolio; he did not open it. At that time he was packing up the passengers' trunks who were going on board the "*Espoir*;" and, believing the portfolio to be the property of one of the said passengers, M. Dubois, he put the portfolio in this trunk, and it was taken on board the "*Espoir*," when M. Dubois went on board the "*Espoir*," about 10 o'clock in the morning.
3. That the water that was brought in the said vessel in the twenty-three iron-bound casks from Rotterdam was all finished on the 22nd instant, on which day we were obliged to procure water for the use of the said vessel.

(Signed) RAFAEL GONZALEZ.

On the 27th day of November, 1862, the said Rafael Gonzalez was duly sworn to the truth of this affidavit.

Before me,
(Signed) WM. SMITH, Registrar.

Affidavit of Mr. Thomas Pike in reply to Evidence on behalf of the Claimant.

In the case of the barque "*Jane*," Bernadus A. Prince Master.

I, Thomas Pike, of Freetown, in the Colony of Sierra Leone, Harbour Master, being duly sworn, make oath and say as follows, that is to say:—

1. That I have read and perused the affidavits of the master of the said barque, filed on the 27th of November last, also of William Paterson, master of the barque "*Nereid*," and Robert Smith, master of the barque "*Bangalore*," filed in this cause on the 25th November last, and of Robert Mellen, supercargo of the said barque filed on the 27th November last, and I now reply to the said affidavits in the manner following:—

1. That the top of the lining or ledge which runs fore and aft the hold of the said barque is suitable for laying down a second deck; and it is perfectly possible to do so, inasmuch as the temporary beams of a slave-deck are laid from the ledge to a beam running fore and aft in the centre of the vessel, or in some cases the beams are laid across the hold from ledge to ledge, which would be placed there in the event of a second deck being laid; and that if a deck was laid on beams 9 inches deep, the height from the deck to the beams would be 3 feet 9½ inches, and not 9 inches in height as stated by the master of the "*Bangalore*."

2. That many of the twenty-one wooden-bound casks, at the time I was making the Report of Survey, were full of fresh water, which was pumped out of them by the directions of myself and the other surveyor for the purpose of being hoisted on deck and correctly gauged, and two leaguers which were on deck were partially filled with fresh water from the said casks; and one of the said casks with water was left in the hold for the use of the said ship, and was gauged there.

(Signed) THOS. PIKE.

On the 3rd day of December, 1862, the said deponent, Thomas Pike, was duly sworn to the truth of this affidavit.

Before me,
(Signed) WM. SMITH, Registrar.

Affidavit of the Prize Officer in reply to Evidence on behalf of the Claimant.

In the case of the barque "*Jane*," B. A. Prince Master.

I, Patrick James Murray, Lieutenant of Her Majesty's steam-ship "*Espoir*," and Prize Officer of the said barque, being duly sworn make oath and say as follows, that is to say:—

1. That I have perused the affidavits of the master of the said barque filed on the 27th day of November last, also of William Paterson, master of the barque "*Nereid*," and Robert Smith, master of the barque "*Bangalore*," filed in this cause on the 25th of November last, and of Rafael Gonzalez, steward of the said barque, and Robert Mellen, supercargo, filed on the 27th November last; and I now reply to the said affidavits in manner following:—

That the top of the lining or ledge which runs fore and aft the hold of the said barque is suitable for laying down a second deck, and it is perfectly possible to do so, inasmuch as the temporary beams of a slave-deck are laid from the ledge to a beam running fore and aft in the centre of the vessel, which would be placed there in the event of a second deck being laid. And that if a deck was laid on beams 9 inches deep, the height from the deck to the beams would be 3 feet 9½ inches, and not 9 inches in height as stated by the master of the "Bangalore."

2. Some few months since I conveyed the slave-vessel "*Traviata*," after seizure by Her Majesty's ship "*Espoir*," to the Island of St. Helena for adjudication. She was intended, as the captain and crew informed me, to carry 800 slaves, and she had then on board 150 old wine-casks bound with wooden hoops, and they were not capable of holding 100 gallons each. Her slave-deck was fitted precisely on the principle named above, and she had also a similar lining or ledge running fore and aft the hold, and she was about the size of the said barque.

3. That many of the twenty-one wooden-bound casks at the time the Report of Survey was taken, were full of fresh water, which was pumped out of them by the directions of the Surveyors, for the purpose of being hoisted on deck and correctly gauged, and two leaguers which were on deck were partially filled with fresh water from the said casks, and one of the said casks with water was left in the hold for the use of the said ship, and was gauged there.

4. That on my boarding the said vessel at the time of seizure, I asked for and demanded from the master all the papers belonging to the said barque, and I particularly asked him in the presence of the supercargo for his clearance from Elmina, as he informed me that he had landed cargo there, but he answered that he had none. The portfolio the supercargo refers to, could not have left the ship when I demanded the papers, because the two passengers did not leave with their luggage to go on board the "*Espoir*" until the following morning, and their luggage was very strictly searched, when there, by the Commander's orders, and the only papers found in the said passengers' luggage were the papers produced by me with the affidavit of seizure filed in this Honourable Court, marked A 1 to A 3.

(Signed) P. J. MURRAY.

On the 3rd day of November, 1862, the said deponent, Patrick James Murray, was duly sworn to the truth of this affidavit.

Before me,
(Signed) WM. SMITH, Registrar.

Inclosure 3 in No. 2.

Description of the Ship's Papers of the Netherlands barque "Jane."

1. COLONIAL register for the barque "*Jane*," of 270 tons burthen, owned by Michael Brown Gorsira, a subject of the King of the Netherlands, and commanded by Bernardus Anthonie Prince. This document, which is dated at Curaçoa on the 25th March, 1862, prohibits the vessel from trading on the West Coast of Africa, or in the Straits of Gibraltar, or the Mediterranean Sea.

There are endorsements on the register dated at Rotterdam on the 18th and 19th August, 1862, to the effect that the above exceptions are removed; also a Custom-house certificate, dated at Helvoetsluys on the 23rd August, stating that the vessel had cleared for St. Thomas.

2. Muster-roll for the said vessel, with a crew of twelve persons, exclusive of the master, dated at Curaçoa on the 26th March, 1862.

3. Another muster-roll for the said vessel, bound to St. Thomas and the Coast of Guinea, with a crew of twelve persons, exclusive of the master, dated at Rotterdam on the 21st August, 1862.

4. Receipts for port dues and charges dated at Rotterdam on the 15th August, 1862.

5. Manifest of the cargo shipped at Havre, in transit for St. Thomas and the Coast of Guinea, dated at Havre on the 17th July, 1862, and signed by the Dutch Consul, J. C. Labouchere.

6. List of the cargo on board the "*Jane*" on the 10th October, 1862.

7. List of the cargo remaining on board the barque "*Jane*" on the 14th October, 1863.

8. Copy of an unexecuted charter-party for the ship "*Nightingale*" dated at Liverpool on the 24th November, 1860.

9. Log-book commencing on the 5th April and ending on the 7th November, 1862.

No. 3.

Her Majesty's Judge to Mr. Layard.—(Received February 12, 1863.)

Sir,

Sierra Leone, December 31, 1862.

I HAVE the honour to acquaint you that no case has come before the British and Spanish, British and Argentine, British and Uruguayan, British and Bolivian, British and Chilian, British and Equatorial Mixed Courts of Justice, established in this Colony, for the prevention of the illicit Traffic in Slaves, during the half-year ending this day.

I have, &c.
(Signed) G. SKELTON.

No. 4.

Her Majesty's Judge to Earl Russell.—(Received February 12.)

My Lord,

Sierra Leone, December 31, 1862.

I HAVE the honour to acquaint your Lordship that no slaves have been emancipated, and consequently none have been registered by the Courts of Mixed Commission at this station, during the half-year ending this day.

I have, &c.

(Signed) G. SKELTON.

No. 5.

Her Majesty's Judge to Earl Russell.—(Received February 12, 1863.)

My Lord,

Sierra Leone, December 31, 1862.

I HAVE the honour to forward herewith a Return of the only case adjudicated in the British and Netherlands Mixed Court of Justice established in this Colony, during the half year ending this day.

I have, &c.

(Signed) G. SKELTON.

Inclosure in No. 5.

RETURN of the Vessel adjudicated by the British and Netherland Mixed Court of Justice established at Sierra Leone, from July 1 to December 31, 1862.

Name of Vessel.	Name of Master.	Date of Seizure.	Where captured.	Property seized.	Seizor.	Date of Sentence.	Number of Slaves captured.	Number died before adjudication.	Total Number emancipated.	Tonnage.		Decretal part of Sentence, whether Forfeiture or Restitution.	Whether property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
										According to the Papers.	English.		
Jane	B. A. Prince -	1862 Oct. 15	Point Padrone, River Congo	Barque and stores -	Sholto Douglas, Esq., Commander H.M.S. "Esper",	1862 Dec. 10	...	...	...	Tons. 270	Tons. 232 $\frac{1}{2}$ 100	Forfeiture -	Barque and stores are in charge of the Marshal; the period allowed for demolishing the vessel and the sale of the materials and stores by public auction not having yet expired.

Sierra Leone, December 31, 1862.

(Signed)

WM. SMITH, Registrar.

No. 6.

Her Majesty's Judge to Earl Russell.—(Received February 12.)

My Lord.

Sierra Leone, January 2, 1863.

I HAVE the honour to transmit herewith to your Lordship a Return of vessels captured on suspicion of being engaged in the Slave Trade, which have been adjudicated by the Vice-Admiralty Court in this Colony during the half-year ending 31st December, 1862, under the Acts 5 Geo. IV, cap. 113, and 2 and 3 Vict. cap. 73.

I have, &c.
(Signed) G. SKELTON.

SIERRA LEONE.

Inclosure in No. 6.

RETURN of Vessels captured on suspicion of being engaged in Slave Trade, and adjudicated by the Vice-Admiralty Court at Sierra Leone, from July 1 to December 31, 1862.

Name of Vessel.	Flag.	Name of Master.	Date of seizure.	Where captured.	Property seized.	Seizor.	Date of Sentence.	Number of Slaves captured.	Number before adjudication.	Total Number.	Tonnage, English.	Decretal sentence, whether Forfeiture or Restitution.	Statute under which Sentence was passed, or Prosecution instituted.	Whether the property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.	Remarks.
Clarissa ...	None ...	Edwd. Gillingham ...	1862 July 24	Lat. Long. Congo River	Barque and stores	F. H. Smith, Esq., Com- mander of Her Majesty's ship "Torch"	1862 Aug. 20	...	...	...	Under rule 2 of 17 & 18 Vict., c. 104, s. 22, 199 ⁷⁰ / ₁₀₀ tons; and under rule 1, 185 ¹⁰ / ₁₀₀ tons	Forfeiture ...	2 & 3 Vict., c. 73	Vessel broken up; materials and effects sold at public auction; net proceeds paid into the military chest.	Vessel equipped for Slave Trade; had no papers or colours.
Unknown ...	None ...	Foray Lalwoh ...	Aug. 9	Off Congo Town in the Sierra Leone River	One canoe and 12 slaves	Thos. Pike, Esq., Har- bour-master	Aug. 22	12	...	12	...	Ditto ...	5 Geo. IV, c. 113	Canoe and effects sold by public auction; the proceeds were not sufficient to cover the expenses; deficiency to be paid by captor.	
Unknown ...	None ...	Unknown ...	July 11	S. E. 8° 29' 12° 53'	Brig and stores	F. W. Richards, Esq., Commander of Her Ma- jesty's ship "Patriot"	Sept. 18	...	...	...	Under s. 19, 8 & 9 Vict., c. 89, 276 ¹⁰ / ₁₀₀ tons	Ditto ...	2 & 3 Vict., c. 73	1 rudder-wheel, and 1 figure- head, the only articles taken on board; the prize were sold by auction	Vessel equipped for Slave Trade; had no papers or colours, and being in a very leaky and unseaworthy state she was scuttled, set on fire, and totally destroyed.
Britannia ...	None ...	Unknown ...	Sept. 19	Off Cabenda	Schooner and stores	Sholto Douglas, Esq., Commander Her Ma- jesty's ship "Espol"	...	...	...	...	...	...	...	...	Not adjudicated up to the date of this Return.

Sierra Leone, January 1, 1863.

(Signed

THOMAS MARSTON, Registrar.

No. 7.

Her Majesty's Judge to Earl Russell.—(Received February 12.)

My Lord,

Sierra Leone, January 14, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 23rd ultimo, with three inclosures and one sub-inclosure, containing the result of inquiries which had been made by Her Majesty's Consuls at St. Jago de Cuba and at Rotterdam, respecting the Netherlands barque "*Jane*," which vessel was condemned by the Mixed Court of Justice in this Colony on the 10th ultimo.

I have, &c.

(Signed) G. SKELTON.

No. 8.

Earl Russell to Her Majesty's Judge.

Sir,

Foreign Office, March 6, 1863.

I TRANSMIT to you herewith a copy of a despatch from Her Majesty's Minister at the Hague,* containing the reply of the Netherlands Government to the communications made to them with respect to the seizure and condemnation of the Netherlands barque "*Jane*."

You will see by the inclosed note from the Netherlands Minister for Foreign Affairs, that the Netherlands Government are desirous of bringing to justice the parties engaged in this slave-trading transaction, and I have therefore to desire that you will communicate to Her Majesty's Government any information you may obtain which will facilitate this purpose.

I am, &c.

(Signed) RUSSELL.

No. 9.

Her Majesty's Judge to Earl Russell.—(Received March 13.)

My Lord,

Sierra Leone, February 16, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 8th ultimo, inclosing a copy of a despatch from Her Majesty's Consul at Rotterdam, respecting the Dutch barque "*Jane*," condemned in the Mixed Court in this Colony on the 10th December last, in which Sir R. Turing reports that Prince, the Master of that vessel, was not a Dutch subject, and had failed to obtain letters of naturalisation from the Netherlands Government.

I have, &c.

(Signed) G. SKELTON.

No. 10.

Her Majesty's Judge to Earl Russell.—(Received March 13.)

My Lord,

Sierra Leone, February 19, 1863.

I HAVE the honour to transmit herewith to your Lordship the account sales of the Netherlands barque "*Jane*," which was condemned in the British and Netherlands Mixed Court of Justice on the 10th of December, 1862.

The net proceeds of the sale of this vessel, amounting to the sum of 478*l.* 16*s.* 7*d.*, have been paid into the Treasury chest in this Colony; and a receipt for the above amount from the Senior Commissariat Officer accompanies the inclosed accounts.

I have, &c.

(Signed) G. SKELTON.

Inclosure 1 in No. 10.

GENERAL ACCOUNT showing Net Proceeds of the Sale of the Hull, Tackle, Apparel, Furniture, and Stores of the Netherlands barque "*Jane*," condemned in the British and Netherlands Mixed Court of Justice for the prevention of the illicit Traffic in Slaves, on the 10th day of December, 1862.

	£	s.	d.	£	s.	d.
By Gross amount of sales	..	..	..	722	2	6 $\frac{3}{4}$
<i>Disbursements.</i>						
To 3 $\frac{1}{2}$ per cent. commission on amount of sales	25	5	5 $\frac{3}{4}$			
Amount of contingent expenses, viz. :—	£	s.	d.			
Surveyors reporting on the outfit and equipment ..	21	0	0			
Labourers employed in landing cargo, &c. ..	37	2	0			
Other expenses	20	17	10			
	78	19	10			
Customs duties and charges	46	12	6			
	125	12	4			
Amount of Marshal's account	92	8	2			
				243	5	11 $\frac{3}{4}$
Net proceeds				478	16	7

Amounting to the sum of four hundred and seventy-eight pounds, sixteen shillings, and seven pence.

(Signed)

A. PIKE, *Commissioner of Appraisement and Sale.*

Sierra Leone, February 9, 1863.

ACCOUNT SALES of the Hull, Tackle, Apparel, Furniture, and Stores of the Netherlands Barque "*Jane*," condemned in the British and Netherlands Mixed Court of Justice, for the Prevention of the illicit Traffic in Slaves, on the 10th day of December, 1862.

Articles.	Quantity.	Purchaser.	Amount.
			£ s. d.
Bread	2 casks ..	Henry Pratt ..	7 5 0
Ditto	Ditto ..	Thomas Miller ..	6 17 0
Ditto	Ditto ..	George H. Shepherd ..	6 17 0
Ditto	Ditto ..	Edward Hawson ..	6 16 0
Ditto	Ditto ..	Morgan Lewis ..	6 16 0
Ditto	Ditto ..	George H. Shepherd ..	6 17 0
Ditto	Ditto ..	Syble Boyle ..	7 3 0
Flour	2 barrels ..	William Chapman ..	1 15 0
Ditto	2 half ditto ..	Captain Gardner ..	1 10 0
Ditto	Ditto ..	Thomas Moses ..	1 15 0
Ditto	1 barrel ..	Jacob W. Jones ..	2 0 0
Salt beef	2 kegs ..		
Ditto	Ditto ..	George H. Shepherd ..	2 3 0
Ditto	Ditto ..	W. B. Campbell ..	2 4 0
Ditto	Ditto ..	Geo. W. Davis ..	2 7 0
Ditto	1 keg ..	Geo. Williams ..	1 4 0
Ditto	Ditto ..	John Locks ..	1 2 0
Lard	2 kegs ..	George H. Shepherd ..	2 12 0
Salt pork	1 barrel ..	Captain Smith ..	4 10 0
Jerked beef	1 lot ..	W. W. Osborne ..	2 15 0
Cider	4 baskets ..	W. B. Campbell ..	1 1 0
Ditto	Ditto ..	Ditto ..	0 19 0
Ditto	2 baskets ..	Geo. Williams ..	0 11 0
Chronometer	1 ..	Syble Boyle ..	22 10 0
Ditto	1 ..	Captain Smith ..	25 0 0
Binnacle and compasses	3 ..	Ditto ..	4 10 0
Quadrant	1 ..	Captain Laverson ..	0 15 0
Ditto	1 ..	Captain Smith ..	1 3 0
Sextant	1 ..	Captain Gardner ..	2 10 0
Ship's gig	1 ..	J. C. Deering ..	4 9 0
Water-casks	4 ..	George Williams ..	1 11 0
Ditto	4 ..	C. W. Macaulay ..	1 14 0
Ditto	4 ..	W. A. Wager ..	1 12 0
Ditto	4 ..	Morgan Lewis ..	0 18 0
Cabin-doors	2 ..	W. B. Campbell ..	0 13 0
Ditto	2 ..	William Lewis ..	0 14 6
Ditto	2 ..	John Shaw ..	0 15 6
Ditto	2 ..	Moses G. Thompson ..	0 17 6
Ditto	3 ..	Anthony Cole ..	1 5 6
Ditto	3 ..	W. H. Cole ..	0 18 6
Cask oil	1 ..	Moses G. Thompson ..	4 6 0

Articles.	Quantity.		Purchaser.	Amount.		
				£	s.	d.
1 maintop-gallant-sail, 1 mainstay, and 1 forestay-sail	3	..	Captain Wilson	11	12	0
1 mizenstay-sail, and 2 jibs	3	..	Lewis Nicol	2	14	0
Foretop-gallant-sail and royals	3	..	James Macfoy	4	13	0
Maintop-sail, flying-jib, and studding-sail	3	..	William Lewis	6	0	0
Stay-sail and awning	2	..	Captain Wilson	5	10	0
1 fore-sail	1	..	Ditto	17	0	0
1 top-sail, and 1 studding-sail	2	..	Captain Leho	7	5	0
1 fore-sail	1	..	Ditto	5	0	0
1 main-sail	1	..	Captain Wilson	5	11	0
1 top-gallant sail and 1 stay-sail	2	..	John Shaw	5	0	0
1 spanker and 1 mizentop stay-sail	2	..	William Lewis	6	11	0
1 topmast studding-sail, 1 jib, 1 main-topmast stay-sail	3	..	John Shaw	8	1	0
1 foretop-sail, 1 gaff-top-sail, and 1 top-gallant-sail	3	..	William Lewis	12	5	0
2 main-royal studding-sails	2	..	Captain Abramick	4	18	0
2 studding-sails, 1 gaff-top sail, and 1 stay-sail	4	..	Ditto	9	0	0
Standing rigging	1 lot	..	Joseph Jarrett	3	2	0
Ditto	Ditto	..	Ditto	3	4	0
Ditto	Ditto	..	Ditto	3	11	0
Ditto	Ditto	..	Ditto	4	2	0
Ditto	Ditto	..	Lewis Nicol	4	0	0
Ditto	Ditto	..	James Benjamin	2	5	0
Ditto	Ditto	..	Ditto	2	5	0
Ditto	Ditto	..	T. D. Williams	2	13	0
Ditto	Ditto	..	James Benjamin	2	12	0
Ditto	Ditto	..	William Mudge	2	13	0
Ditto	Ditto	..	John Shaw	2	2	0
Ditto	Ditto	..	T. Valentine	3	3	0
Ditto	Ditto	..	Ditto	2	18	0
Ditto	Ditto	..	John Shaw	1	11	0
1 jib-boom, 1 mizen-topmast	2	..	T. Valentine	2	17	0
1 fore and 1 maintop-gallant yard	2	..	James Benjamin	1	19	0
Ditto ditto	2	..	John Shaw	2	2	0
1 fore and 1 maintop-mast	2	..	James Macfoy	3	10	0
Studding-sail booms	3	..	John Shaw	2	12	0
1 spare yard and 1 maintop-mast	2	..	Charles Clinton	4	10	0
1 fore, 1 main, and 1 mizentop-gallant mast	3	..	Captain Sparkes	4	5	0
Studding-sail booms	2	..	Lewis Nicol	2	2	0
Ditto	2	..	Duperry Valentine	1	3	0
Ditto	2	..	Charles Clinton	2	5	0
1 fore and 1 main-yard	2	..	T. Valentine	4	16	0
1 fore, 1 main, and 1 mizen-royal yard	3	..	Captain Sparkes	1	4	0
Spare chain	1	..	T. Valentine	8	0	0
2 old pumps and 1 davit	3	..	William Chapman	1	0	0
Cabin-fittings	1 lot	..	A. Pike	1	10	0
Cabin doors and windows	Ditto	..	Ditto	0	9	0
2 fowl-coops and shaffer	3	..	Duperry Valentine	1	5	0
Hatch covers	7	..	Charles Clinton	1	2	0
3 gratings and after-hatch cover	4	..	Captain Sparkes	1	4	0
Slave planks	16 pieces	..	Lewis Nicol	1	18	0
Cross-trees and chocks, &c.	1 lot	..	Henry Pratt	0	14	0
Trousers and bands, fore and main yard	Ditto	..	John Macfoy	1	6	0
Pair davits	Ditto	..	Captain Sparkes	1	4	0
Fire-wood	Ditto	..	Charles Clinton	0	13	0
Ship's buoys and dolphin stricker	Ditto	..	T. Valentine	0	5	0
Old staves	Ditto	..	Charles Clinton	7	6	0
Barrel empty bottles, and old staves	Ditto	..	Henry Pratt	0	17	0
Empty casks	Ditto	..	T. Valentine	1	1	0
Deck ditto	2	..	A. Pike	0	12	6
Large butts	2	..	Fred. Reader	1	12	0
Bread	2 casks	..	John Gabriel	7	0	0
Ditto	Ditto	..	Thomas Miller	7	10	0
Ditto	Ditto	..	Geo. H. Shepherd	7	4	0
Ditto	Ditto	..	Ditto	7	10	0
Ditto	Ditto	..	John Robert	5	16	0
Ditto	2 barrels	..	J. W. George	1	5	0
Flour	2 half-barrels	..	James Collier	1	16	0
Ditto	Ditto	..	James Gideon	1	9	0
Ditto	Ditto	..	Duperry Valentine	3	4	0
Ditto	Ditto	..	Morgan Lewis	2	13	0
Ditto	Ditto	..	Ditto	3	5	0
Salt beef	2 kegs	..	Duperry Valentine	2	11	0
Ditto	Ditto	..	Captain Abramick	2	19	0

Articles.	Quantity.	Purchaser.	Amount.
			£ s. d.
Mackerel	1 half-barrel ..	William Watson ..	0 9 0
Herrings	1 keg	William Renner ..	0 19 0
Running rigging ..	506 lbs., at 8 $\frac{3}{4}$ d. per lb.	Charles Clinton ..	18 8 11 $\frac{1}{2}$
Ditto	282 " at 3 $\frac{1}{4}$ d. "	Lewis Nicol ..	3 16 4 $\frac{1}{2}$
Ditto	285 " at 2 $\frac{3}{4}$ d. "	Duperry Valentine ..	3 5 3 $\frac{3}{4}$
Ditto	296 " at 2 $\frac{1}{4}$ d. "	John Shaw ..	3 7 10
Ditto	437 " at 2 $\frac{1}{4}$ d. "	John Macfoy ..	4 1 11 $\frac{1}{4}$
Ditto	437 " at 2d. "	James Williams ..	3 12 10
Ditto	352 " at 2d. "	James Macfoy ..	2 18 8
Ditto	250 " at 2d. "	James Collier ..	2 1 8
Ditto	250 " at 2d. "	Robert Coker ..	2 1 8
Ditto	223 " at 1 $\frac{3}{4}$ d. "	James Wilson ..	1 12 6 $\frac{1}{4}$
Ditto	202 " at 1 $\frac{3}{4}$ d. "	Duperry Valentine ..	1 9 5 $\frac{1}{2}$
Warp	1 lot	John Shilling ..	0 18 0
Old ropes	Ditto	Thomas Pratt ..	3 10 0
Cabin-doors	2	John A. Reffell ..	0 16 0
Ditto	2	Henry Pratt ..	0 13 0
Blocks	1 lot	John Shaw ..	0 19 0
Ditto	Ditto	Morgan Lewis ..	0 19 0
Ditto	Ditto	William Chapman ..	0 13 0
Ditto	Ditto	Charles Clinton ..	2 8 0
Iron-rod	Ditto	Thos. Cole ..	0 11 0
Ditto	Ditto	Charles Clinton ..	1 16 0
Pumps	Ditto	Morgan Lewis ..	5 5 0
Water-closet	1	Abraham Day ..	4 6 0
Deep-sea lead, line-reel, and man-rope	1 lot	A. Pike ..	0 15 0
Shoe leather	Ditto	Geo. H. Shepherd ..	2 8 0
Topsail sheets	Ditto	John Shaw ..	1 12 0
Ditto	Ditto	Charles Clinton ..	2 1 0
Ditto	Ditto	Morgan Lewis ..	2 0 0
Old chain	Ditto	Joseph Jarrett ..	1 0 0
Chain pennecks and ropes ..	Ditto	Charles Clinton ..	1 4 0
Beans and peas	Ditto	George Watson ..	0 14 0
Old paint and paint-pots ..	Ditto	Lewis Nicol ..	1 5 0
Skylight	1	Emily Caille ..	0 11 0
Cabin-doors	2	A. Pike ..	1 8 0
Ship's bell	1	John Shaw ..	4 0 0
French beans	1 dozen	Duperry Valentine ..	0 5 0
Ditto	Ditto	Ditto	0 5 0
Ditto	Ditto	Charles Clinton ..	0 5 0
Ditto	Ditto	Morgan Lewis ..	0 5 0
Ditto	Ditto	Ditto	0 5 0
Ditto	7 tins	Charles Clinton ..	0 3 0
Soups	1 dozen	Emily Caille ..	0 9 0
Ditto	Ditto	Ditto	0 9 6
Ditto	Ditto	A. Pike ..	0 14 0
Ditto	Ditto	Ditto	0 12 0
Ditto	4 tins	Duperry Valentine ..	0 4 0
Ox tongue	6 tins	Charles Clinton ..	0 17 6
Ditto	Ditto	Duperry Valentine ..	0 18 0
Peas	1 dozen	Charles Clinton ..	0 15 0
Ditto	Ditto	Ditto	0 19 0
Ditto	Ditto	Ditto	0 19 0
Ditto	2 tins	Ditto	0 3 0
Looking-glass	1	— Goldsmith ..	1 2 0
Clock	1	A. Pike ..	1 0 0
Chart or maps	7	John Mc Cormack ..	0 10 0
Stools	6	Duperry Valentine ..	1 5 0
Chairs	3	W. H. Palmer ..	0 16 0
Medicines	2	Morgan Lewis ..	1 13 0
Iron pump-handles	1 lot	John Shaw ..	1 0 0
1 desk, 2 lamps, 1 box spice, and swabs	Ditto	Ditto	0 13 0
Hatch cover	1	A. Pike ..	0 12 0
Starboard-bow	1	Lewis Nicol ..	8 5 0
Ditto, quarter	1	Thomas Jones ..	6 0 0
Port-bow	1	Charles Hazelborg ..	31 0 0
Ditto, quarter	1	Ditto	31 0 0
Main-mast	1	William Lewis ..	2 10 0
Fore-mast	1	Henry Lumpkin ..	2 14 0
Mizen-mast	1	A. Pike ..	1 0 0
Bowsprit	1	Duperry Valentine ..	0 15 0
Top poop-cabin	1 lot	T. W. Hughes ..	2 6 0
Top fore-cabin	Ditto	John Miller ..	1 16 0
Anchor	1	William Chapman ..	2 3 0
Ditto	1	T. W. Hughes ..	2 7 0
Chain-cable	1	Morgan Lewis ..	2 15 0
Capstan	1	Charles Hazelborg ..	3 1 0

Articles.	Quantity.	Purchasers.	Amount.
Wood	1 lot	John Shaw	£ 1 6 0
Ditto	Ditto	Lewis Nicol	2 3 0
Rudder	1	Charles Hazelborg ..	4 1 0
Chain-cable	1	T. W. Hughes	2 9 0
2 pumps and windlass-handles	1 lot	Charles Hazelborg ..	8 3 0
Windlass-palls and belts ..	Ditto	Ditto	0 6 0
Long boat	1	John Gabriel	5 5 0
Yaw	1	Emanuel Geslinger ..	14 0 0
Empty casks	7	A. Pike	0 13 6
Stove and cooking utensils ..	1 lot	William Smith	2 2 0
Old ropes	Ditto	John Shaw	1 19 0
4 planks and some blocks ..	Ditto	James Macfoy	1 14 0
Kedge anchor	1	William Lewis	4 1 0
Some old metals	1 lot	Ditto	4 19 0
Wheel and 3 pumps, ladder, &c.	Ditto	John Shaw	1 5 0
Case macaroni, bottles pickles, 3 kits			
fish	Ditto	Duperry Valentine ..	1 8 0
2 old stoves	2	Joseph Jarrett	0 2 6
Sails	2	William Lewis	4 11 0
Large hawser	1	Charles Hazelborg ..	1 19 0
Rollers and old wood	1 lot	Henry Lumpkin	1 16 0
3 steps and 2 chain taper ..	Ditto	James Macfoy	0 14 0
Old wood	Ditto	Geo. H. Shepherd ..	1 0 0
Old iron, belaying-pins, oil-feeder, cabin-lamp, hose, &c. ..	Ditto	Charles Hazelborg ..	1 11 0
Salt pork	1 cask	Morgan Lewis	3 0 0
Salt fish	Ditto	Duperry Valentine ..	1 10 0
Bricks	3,000	William Lewis	1 10 0
Ditto	3,000	Ditto	1 10 0
Ditto	3,000	James Macfoy	1 11 6
Ditto	3,000	J. W. George	1 13 0
Ditto	2,000 and pieces	Lewis Nicol	1 9 0
1 piece rope and 4 water-buckets	1 lot	Morgan Lewis	0 16 0
Pieces bricks	Ditto	James Williams	0 3 0
Spike-nails, brads, iron, &c. ..	Ditto	A. Pike	0 14 0
Yarn, blocks, rope, &c. ..	Ditto	James Macfoy	1 0 6
Lard, butter, tea, vinegar, &c. ..	Ditto	Morgan Lewis	3 4 0
Demi-johns, onions, empty baskets	Ditto	Ditto	0 7 0
Plates, tumblers, teacups and saucers, tea-pot, 2 coffee-mills, cruets-stand, tray, wine-glasses, spoons, soup-ladles, 1 table and 1 cask ..	Ditto	A. Pike	1 15 0
Coal-tar, bright varnish, spun-yarn, belaying-pins	Ditto	Morgan Lewis	1 17 0
Boat oars, hand-spikes, &c. ..	Ditto	James Williams	2 6 6
Iron rod, &c.	Ditto	Morgan Lewis	0 12 6
Boat-mast	1	William Lewis	0 8 4
1/2 box matches, 1 rod for measuring height of persons, 2 shovels, 1 grind-stone, 1 bag lamp-wicks, 1 speaking trumpet, and 2 signal lanterns ..	1 lot	A. Pike	1 0 6
			722 2 6 3/4

Amounting to the sum of seven hundred and twenty-two pounds, two shillings, and six pence three farthings.

(Signed) A. PIKE, *Commissioner of Appraisement and Sale.*

Sierra Leone, September 7, 1863.

ACCOUNT of Contingent Expenses incurred by Adolphus Pike in the execution of the Commission of Appraisement and Sale directed to him on December 11, 1862.

	£	s.	d.
To Cash paid Collector of Customs for duties, &c.	46	12	6
" Collector of Customs for measuring the vessel	3	0	0
" 2 surveyors, surveying and reporting on the outfit and equipment ..	21	0	0
" for pilotage	2	12	6
" labourers conveying cargo from ship to store, and lotting out on days of sale	37	2	0
" for rent of stores	4	0	0
" cooper attending surveyors, opening bread-casks and other packages on board at sundry times, and on shore	1	1	0
" Customs' officer, 6 days' attendance at 5s.	1	10	0
" Landing Clerk on board, and also Checking Clerk on shore, 18 days at 4s. 2d.	3	15	0
" for repairing boat	0	8	4

CLASS A.

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	£	s.	d.
To Cash paid hire of scales, 5 days at 10s.	2	10	0
„ hire of boat for use of Prize Officer	1	0	10
„ carpenter employed on board and making a box	0	16	2
„ blacksmith repairing windlass-handles	0	4	0
	125	12	4

Amounting to the sum of one hundred and twenty-five pounds, twelve shillings, and four pence.

(Signed) A. PIKE, *Commissioner of Appraisalment and Sale.*

Sierra Leone, February 9, 1863.

MARSHAL'S ACCOUNT.

	£	s.	d.
For proceeding on board the vessel upon her arrival in harbour, ascertaining particulars of capture and reporting same to the Registry	0	10	0
„ 2 copies of Report, sent to the Judges, 5s.	0	10	0
„ serving and returning monition	1	1	0
„ attending Court twice, at 13s. 4d.	1	6	8
„ taking charge of the vessel from November 3 to January 4 (63 days, at 6s. per diem)	18	18	0
„ ditto on being beached for breaking up, from January 5 to January 17 (13 days, at 3s.)	1	19	0
„ attendance on surveyors, 5 days, at 10s. 6d.	2	12	6
„ dismantling, unrigging, beaching, and demolishing the vessel, 232 tons, at 3s.	34	16	0
„ cash paid ship-keeper and assistants, pending adjudication (Voucher No. 1).	20	3	6
„ ditto, ship-keeper and assistants, after adjudication (Voucher No. 2)	7	16	0
„ ditto, watchman (Voucher No. 3)	2	15	6
	92	8	2

Amounting to the sum of ninety-two pounds, eight shillings, and two pence.

(Signed) A. PIKE, *Marshal, Mixed Courts.*

Sierra Leone, February 9, 1863.

Inclosure 2 in No. 10.

Receipt.

British and Netherlands Mixed Court of Justice, Sierra Leone.

IN the case of the Netherlands vessel “*Jane*,” whereof B. A. Prince was master, seized and taken by Her Britannic Majesty’s steam-sloop “*Espoir*,” Sholto Douglas, Esq., Commander, for illicit Traffic in Slaves.

Received the 14th day of February, in the year of our Lord 1863, out of the Registry of the said Court, the sum of four hundred and seventy-eight pounds, sixteen shillings, and seven pence sterling, said to be the proceeds arising from the sale of the said vessel and cargo, for which I have signed three receipts, of the same tenor and date, to serve as one.

(Signed) JOHN M. LINDSEY.

No. 11.

Her Majesty’s Judge to Earl Russell.—(Received May 13.)

My Lord,

Sierra Leone, April 20, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship’s despatch of the 6th ultimo, with its inclosures, informing me that the Netherlands Government are desirous of bringing to justice the parties concerned in the case of the slaver “*Jane*,” and instructing me to communicate to Her Majesty’s Government any information I may obtain which will facilitate that purpose.

In obedience to your Lordship’s instructions I have inquired at the Secretary’s office in this Colony whether any record exists of the movements of the master and crew of the “*Jane*” subsequent to the condemnation of that vessel; and I have the honour to report that it appears that the master, Bernardus Antony Prince, took out a passport on the 19th of December last, as passenger on board the British barque “*Venus*,” bound hence for Antigua. No trace is discoverable of the proceedings of the crew, but it is probable that they may have shipped to work their passage on board of vessels leaving this port.

I have the honour to transmit herewith the muster-roll of the “*Jane*,” in case your Lordship should think it useful to communicate that document to the Netherlands Government. It would appear from it that only three of the crew, besides the master, were Netherlands subjects, viz., G. Volbers, carpenter, A. de Wit, cook, and C. Hummelman, sailor.

I have, &c.

(Signed) G. SKELTON.

No. 12.

Earl Russell to Her Majesty's Judge, June 23, 1863.

(Inclosing Letter from Mr. Adams, with List of United States' Cruizers instructed to act under the Treaty of April 7, 1862.)

[See No. 82.]

No. 13.

Earl Russell to Her Majesty's Judge.

Sir,

Foreign Office, July 8, 1863.

I TRANSMIT to you herewith, for your information and guidance, copies of the Regulations which I have had drawn up for the guidance of the Judges and Arbitrators appointed on the part of Her Majesty for carrying into effect the provisions of the Treaty between Her Majesty and the United States of America for the suppression of the African Slave Trade.

These Regulations you will see differ, in some important points, from those by which you have hitherto been guided in adjudicating the cases brought before the Mixed Commission Courts at Sierra Leone; but they have been carefully prepared, and are framed in accordance with the course of proceeding now observed in the High Court of Admiralty in this country, and they will be found much more simple and complete.

I am, &c.

(Signed) RUSSELL.

Inclosure in No. 13.

Regulations for the Guidance of the Mixed Courts of Justice established in pursuance of the Treaty of the 7th of April, 1862, between Her Britannic Majesty and the United States of America, for the Suppression of the African Slave Trade.

[See Appendix.]

No. 14.

Her Majesty's Acting Judge to Earl Russell.—(Received July 12.)

My Lord,

Sierra Leone, May 23, 1863.

I HAVE the honour to report to your Lordship that I have this day assumed the office of Her Majesty's Acting Judge in the Mixed Courts established in this Colony, in consequence of Mr. Skelton's departure for Madeira on the 21st instant for the benefit of his health.

I have, &c.

(Signed) SAM. W. BLACKALL.

No. 15.

Earl Russell to Her Majesty's Judge.

Sir,

Foreign Office, July 22, 1863.

WITH reference to my despatch of the 30th of August last, I transmit, for your information and guidance, six copies of an Additional Article* to the Treaty between Her Majesty and the United States of America for the suppression of the African Slave Trade, signed at Washington on the 17th of February last.

I also inclose copies of an Act of Parliament which has been passed for carrying into effect the Additional Article in question.

I am, &c.

(Signed) RUSSELL.

No. 16.

Earl Russell to Her Majesty's Judge.

Sir,

Foreign Office, July 22, 1863.

I TRANSMIT to you herewith copies of a despatch and its inclosure from Her Majesty's Minister at Washington,* by which you will perceive that the United States' Government have approved the Regulations prepared by Her Majesty's Government for the guidance, in the technical part of their duties, of the Judges and Arbitrators appointed for carrying into effect the provisions of the Treaty of the 7th of April, 1862, between Her Majesty and the United States for the suppression of the African Slave Trade.

I have accordingly to desire that you will be guided by these Regulations in the adjudication of any cases that may be brought before you under the provisions of the Treaty in question.

I am, &c.
(Signed) RUSSELL.

No. 17.

Her Majesty's Acting Judge to Mr. Layard.—(Received August 14.)

Sir,

Sierra Leone, June 30, 1863.

I HAVE the honour to acquaint you that no case has come before the British and Netherlands, British and Spanish, British and Argentine, British and Uruguayan, British and Bolivian, British and Chilian, British and Equatorial Mixed Courts of Justice established in this Colony for the prevention of the illicit Traffic in Slaves during the half-year ending this day.

I have, &c.
(Signed) SAM. W. BLACKALL.

No. 18.

Her Majesty's Acting Judge to Earl Russell.—(Received August 14.)

My Lord,

Sierra Leone, June 30, 1863.

I HAVE the honour to acquaint your Lordship that no slaves have been emancipated, and consequently that none have been registered, by the Courts of Mixed Commission at this Station during the half-year ending this day.

I have, &c.
(Signed) SAM. W. BLACKALL.

No. 19.

Her Majesty's Acting Judge to Earl Russell.—(Received August 14.)

My Lord,

Sierra Leone, July 20, 1863.

I HAVE the honour to transmit herewith to your Lordship a Return of vessels captured, on suspicion of being engaged in the Slave Trade, which have been adjudicated by the Vice-Admiralty Court in this Colony, during the half-year ending 30th June, 1863, under the Acts 5 Geo. IV, cap. 113, and 2 and 3 Vict., cap. 73.

I have, &c.
(Signed) SAM. W. BLACKALL.

Inclosure in No. 19.

RETURN of Vessels Captured on suspicion of being engaged in the Slave Trade, and Adjudicated by the Vice-Admiralty Court at Sierra Leone, from January 1 to June 30, 1863.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	Where captured.	Property seized.	Seizor.	Date of Sentence.	Number of Slaves captured.	Number of Slaves forfeited.	Tonnage, English.	Decretal part of Sentence, whether Forfeiture or Restitution.	Statute under which Sentence was passed, or prosecution instituted.	Whether property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.	Remarks.
Britannia ...	None	Unknown	1862 Sept. 19	Lat. Off Cabenda	Schooner and stores	Sholto Douglas, Esq., Commander of H.M.S. "Espoir"	1863 Apr. 13	...	...	...	Dismissed	2 & 3 Vict., cap. 73.	...	This vessel was destroyed by fire by the seizor. His Honour the Judge took time to consider his judgment, and eventually dismissed the case.
5 canoes ...	Ditto	Ditto	1863 Jan. 18	Sherbro River	Canoes and contents	A. M. Touzalin, Esq., Manager of Kent and Sherbro	Jan. 29	85	35	...	Forfeiture	5 Geo. IV, cap. 119	Canoes and effects sold by public auction; proceeds not sufficient to pay expenses; deficiency to be paid by captor.	This vessel had no papers or colours.
Unknown	Ditto	Luis de Madariga	Feb. 9	1° 37' S. 50° 37' E.	Schooner and stores	J. P. Luce, Esq., Captain H.M.S. "Brisk"	Mar. 25	368	120	Under 21st section of 17 & 18 Vict., c. 104, 70 tons	Ditto	2 & 3 Vict., cap. 73	Vessel broken up; materials and stores sold by public auction. Net proceeds, 63 <i>l.</i> 6 <i>s.</i> 3 <i>d.</i> , paid into the military chest	The detention of this vessel was solely owing to the obstinacy of the master, although he had regular French papers, would not show them. On the case coming before the Court on the affidavit of seizure, the brig's papers were produced by the Vice-Consul for France, and the brig was at once given up.
Léopard	French	Charles le Cordier	Feb. 15	Off the Congo River	Brig and stores	A. H. Hoskins, Esq., Commander of H.M.S. "Zebr"	...	...	...	...	...	Ditto	...	...

Sierra Leone, July 1, 1863.

(Signed)

THOMAS MARSTON, Registrar.

No. 20.

Her Majesty's Acting Judge to Earl Russell.—(Received August 14.)

My Lord,

Sierra Leone, July 13, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 23rd ultimo, transmitting a copy of a letter from Mr. Adams, the United States' Minister, inclosing a list of United States' cruizers which have been furnished with authority to carry out the provisions of the Treaty of April 7, 1862, for the suppression of the African Slave Trade, together with a copy of the Special Warrant issued to Commanders of the vessels to whom the Treaty is furnished.

I have, &c.

(Signed) SAM. W. BLACKALL.

No. 21.

Her Majesty's Acting Judge to Earl Russell.—(Received August 14.)

My Lord,

Sierra Leone, July 15, 1863.

I HAVE the honour to report to your Lordship the arrival here on the 11th instant of Mr. Charles V. Dyer, who is appointed by the American Government as Judge to the Mixed Court of Justice established in this Colony for the suppression of the African Slave Trade.

Mr. Dyer having produced his Commission was accordingly sworn in on the 13th instant before the Chief Justice.

I have, &c.

(Signed) SAM. W. BLACKALL.

No. 22.

Her Majesty's Acting Judge to Earl Russell.—(Received August 14.)

My Lord,

Sierra Leone, July 20, 1863.

I HAVE the honour to report to your Lordship the arrival of Mr. Timothy R. Hubbard, the American Arbitrator in the Mixed Court of Justice established in this Colony for the suppression of the African Slave Trade.

Mr. Hibbard produced his Commission this day, and was sworn in before the Chief Justice.

I have, &c.

(Signed) SAM. W. BLACKALL.

No. 23.

Her Majesty's Judge to Earl Russell.—(Received September 11.)

My Lord,

Sierra Leone, August 12, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 8th ultimo, inclosing copies of the Regulations which have been drawn up for the guidance of Her Majesty's Judges and Arbitrators in the Mixed Courts established under the Treaty between Great Britain and the United States of America for the suppression of the Slave Trade.

I have, &c.

(Signed) G. SKELTON.

No. 24.

Her Majesty's Judge to Earl Russell.—(Received September 11.)

My Lord,

Sierra Leone, August 13, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 22nd ultimo, transmitting to me, for my information and guidance,

copies of an Additional Article to the Treaty between Her Majesty and the United States of America for the suppression of the African Slave Trade, signed at Washington on the 17th of February last, together with copies of an Act of Parliament which has been passed for carrying into effect the Additional Article in question.

I have, &c.
(Signed) G. SKELTON.

No. 25.

Her Majesty's Judge to Earl Russell.—(Received September 11.)

My Lord,

Sierra Leone, August 14, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 22nd ultimo, with its inclosures, informing me that the Government of the United States have approved the Regulations which have been drawn up for the guidance of the British and United States' Mixed Courts of Justice in the adjudication of prize causes.

I shall, in obedience to your Lordship's instructions, be careful that the rules in question are strictly observed.

I have, &c.
(Signed) G. SKELTON.

No. 26.

Her Majesty's Judge to Earl Russell.—(Received November 10.)

My Lord,

Sierra Leone, September 30, 1863.

I HAVE the honour to lay before your Lordship my Report on the Slave Trade for the year ending this day.

During the above period one case has been adjudicated by the British and Foreign Mixed Courts of Justice established in this Colony, that of the Netherlands barque "*Jane*," which vessel was condemned by the British and Netherlands Court on the 10th of December, 1862, on the ground of being equipped for and engaged in the Slave Trade.

There can be little doubt, however, in the case of this vessel, that her Dutch nationality was merely nominal, and assumed for the purposes of fraud; she was originally an American vessel, and had already been known on this coast as a successful slaver under the name of the "*Fleet Eagle*," it is most probable that her supercargo, an American, who described himself as a native of the Southern or Confederate States of America, was the real owner of the ship as well as of the cargo.

The total number of cases adjudicated by the Mixed Courts up to the present date amounts to 534, and the number of slaves emancipated and registered by these Courts remains the same as at the date of my last Annual Report, namely, 56,935.

During the year one vessel only has been condemned in the Vice-Admiralty Court of this Colony under the Act of the 2nd and 3rd Vict., cap. 73. This vessel, a schooner, name unknown, was captured on the South Coast in the neighbourhood of Cape Lopez with 368 slaves on board; of these 120 died before adjudication, and the remainder, 248 in number, have been emancipated and registered in this Colony.

Five native canoes have also been condemned in the Vice-Admiralty Court under the Act 5 Geo. IV, cap. 113; these canoes, having amongst them thirty-five domestic slaves on board, were captured in a batch in the River Sherbro under the Governor's Deputation of Vice-Admiralty, and the whole of the slaves were emancipated and registered.

With regard to the coast north of the Bight of Benin, I may say with certainty that there has been no Slave Trade during the past year, nor do I think, with the possible exception of the Rivers Nunez and Pongas, that there is any probability of its being ever revived on that part of the coast.

I have no information enabling me to give any accurate particulars respecting the state of the Slave Trade in the Bights of Benin and Biafra and on the South Coast, but it is certain that the trade on the whole West Coast has been during the past year reduced to an extremely low ebb.

I have, &c.
(Signed) G. SKELTON.

HAVANA.

No. 27.

Her Majesty's Acting Commissary Judge to Earl Russell.—(Received January 31, 1863.)

My Lord, *Havana, December 31, 1862.*
 I HAVE the honour of reporting to your Lordship that no emancipated negroes have been sent from this to Jamaica during the year now ended.
 I have, &c.
 (Signed) JOHN V. CRAWFORD.

No. 28.

Her Majesty's Acting Commissary Judge to Earl Russell.—(Received January 31.)

My Lord, *Havana, January 1, 1863.*
 IN obedience to the Act 5 Geo. IV, cap. 113, directing such Returns to be made on the 1st of January and 1st of July in each year, I have the honour to report that there was no case brought for adjudication before the Mixed Court at this place during the year just ended.
 I have, &c.
 (Signed) JOHN V. CRAWFORD.

No. 29.

Her Majesty's Acting Commissary Judge to Earl Russell.—(Received October 29.)

My Lord, *Havana, September 30, 1863.*
 ON reviewing the state of the Slave Trade between Cuba and the coast of Africa during the twelve months ending this day, it is with no ordinary pleasure that I have the honour of reporting to your Lordship that a most decided decrease has taken place in that shameful Traffic.
 The accompanying statement, which I beg leave to lay before your Lordship, shows that the number of slaves landed in this island since the 30th of September last amounts to 5,630, and with the usual addition of one-third for those introduced without the knowledge of the authorities, the total is 7,507, of which about 11 per cent. were captured after landing.
 The number of vessels which are positively known to have sailed from this port for Africa, and which are suspected of being intended for the Slave Trade, amounts only to two, as per statement herewith, showing a very marked improvement in the vigilance of the Spanish authorities; in fact, it is a rare thing for a slave-vessel to start from this side, there being much greater facilities for fitting out adventures of this nature from Peninsular and French ports, especially Bordeaux and Marseilles.
 The arrival of Captain-General Don Domingo Dulce was hailed at first with pleasure on the part of the slave-traders, who are chiefly Catalans, and it was thought that the popular ex-Governor-General of their native Province would shut his eyes to the Slave Trade, as most of his predecessors had done, and that the Camarilla at the Government House would be composed of persons addicted to that infamous Traffic.
 A short time sufficed to dispel the illusion. General Dulce at once gave out his fixed determination to put down the Slave Trade, and to maintain the dignity of Spain by adhering strictly to the stipulations of the Treaty with Great Britain for the abolition of that disgraceful Traffic.
 His Excellency seized the first opportunity of showing that he was in earnest, by sending Messrs. Tuero and Durañona, two noted slave-traders, out of the island,

and he has removed to the Peninsula every Lieutenant-Governor or other officer whom he has had reason to suspect of collusion with the slave-traders.

In July last General Dulce took a still stronger measure, by removing Don Pedro Navascues, the Political Governor of Havana, and of sending him to Spain, for alleged acceptance of bribes for the sale of slave-passes.

Notwithstanding these examples, and the notorious determination of the Captain-General to act summarily with all those who are caught infringing the law in this respect, such is the great temptation, and such are the inducements to introduce African slaves here, that the Slave Trade cannot be entirely put an end to, unless very strong measures are sanctioned by Spain, such as declaring it piracy, or by revoking the 9th Article of the Penal Law, which in its present state is only a protection to the slave-trader.

I have the pleasure of reporting to your Lordship, that from the most reliable information I have been able to obtain on the subject, there is no doubt that the slaves in this island are treated very much better than they were even a few years ago. There is certainly vast room for improvement yet, but every amelioration of the condition of this wretched class must be welcomed with joy by every well-wisher of humanity.

The night system during crop time is being gradually, although indeed very gradually, abolished.

Those enlightened planters who have adopted the plan of allowing their negroes their natural rest from 10 P.M. until 6 A.M. have found that they have much less sickness upon their plantations, that their negroes can perform with ease all the work which is required of them, and that the advantages of good treatment and of rational hours have been clearly shown by larger returns, a more perfect economy, and by the cheerfulness of their slaves, which was a thing formerly unknown in this island.

What effect the war in America will have upon the slave question in this island it is difficult to foresee. There is no reason why the slave population in Cuba should not increase by natural means as it has done in the Southern States of the neighbouring continent; and the present Captain-General is perfectly satisfied that further importation from Africa is quite unnecessary.

I understand that all ideas of emancipation have been abandoned, but that the Spanish Government is, at last, in earnest in putting an end to the Slave Trade.

Such a result can only be attained by strengthening the powers of the present honourable-minded and determined Captain-General of Cuba.

I have, &c.

(Signed) JOHN V. CRAWFORD.

Inclosure 1 in No. 29.

STATEMENT of the Number of Slaves reported to have been Landed in the Island of Cuba from September 30, 1862, to September 30, 1863.

Date of Landing.	Where Landed.	Number of Slaves.		Vessel.	Remarks.
		Landed.	Captured.		
1862					
Oct. 2	Trinidad	490	..	..	The negroes were taken to the estate "Manaca Armenteros."
Nov.	Taguayabon	1,200	..	Ship ..	Taken to estate "Proyecto."
"	Cochinos	950	..	Noc Daqui.	
"	Isle of Pines	650	..	Brig ..	Lieutenant-Governor removed.
1863					
April 1	Coloma	380	..	Brig ..	The negroes were Congos, and were taken to the estate "Guacamayas," but the authorities deny it.
" 25	Trinidad	577	577	—	
May 16	Jaruco	583	..	..	Lieutenant-Governor removed.
June 9	Camarioca and Sagua ..	800	..	Ship.	
		5,630	577		
	Add one-third	1,877	193		
	Total	7,507	770		

Havana, September 30, 1863.

(Signed)

JOHN V. CRAWFORD, Acting Commissary Judge.

Inclosure 2 in No. 29.

LIST OF VESSELS Sailed from Havana, under suspicion of being engaged in the Slave Trade, from September 30, 1862, to September 30, 1863.

Date of Sailing.	Nationality and Name of Vessel.	Tons.	Master's Name.	Cleared for.	Remarks.
1862 Oct. 18	Portuguese brigantine "Laura"	150	Lucas ..	San Thomé ..	This vessel was detained and searched by the authorities at Havana, but was permitted to depart, nothing being found to criminate her.
"	Portuguese brigantine "Venus"	140	Pinto ..	Loanda ..	This vessel was formerly the American brigantine "Union;" came here under English colours and was sold at this port.

Havana, September 30, 1863.

(Signed)

JOHN V. CRAWFORD, *Acting Commissary Judge.*

No. 30.

Her Majesty's Commissary Judge to Earl Russell.—(Received November 30.)

(Extract.)

Havana, November 6, 1863.

SINCE my return to my post at this place I have had an interview with the Captain-General on the subject of the Slave Trade, and I am satisfied of the sincerity of his intention to put an end to the introduction of negroes from Africa. of which he has given some proofs.

His Excellency is at present very much perplexed about two landings of Bozals which, it is said, have recently been effected,—one of 1,000 and the other of 1,200,—brought by steamers, but respecting which he has been unable to discover any traces. My belief is that one of those cargoes, if not both, have been run with impunity; and that the slaves were brought by steamers from Africa.

Rumour says that these cargoes belong to Don Julian Zulueta.

No. 31.

Her Majesty's Commissary Judge to Earl Russell.—(Received December 14.)

(Extract.)

Havana, November 16, 1863.

IN the despatch which I did myself the honour of addressing to your Lordship on the 6th instant, I stated my belief that the rumours which were then in circulation as to the landing of a large cargo of Bozals, were true, and that one, if not two expeditions had been successfully run from steamers; but it appears that I was premature in saying that this had been done with impunity, since I have now the pleasure and satisfaction of reporting to your Lordship that, by the untiring efforts and dispositions of the Captain-General, the considerable number of 1,105 of these have been captured near Colon, a place nearly in the centre of this island, and a certain Don José Bergara, a Spaniard, who has usually been employed in such affairs by Don Julian Zulueta, has been taken with them, and brought prisoner to Havana.

At one time his Excellency almost despaired of discovering these newly landed Africans, and, I feared, was almost satisfied, by the results which he obtained, that the rumours were unfounded.

But, fortunately, I was able to assure him that a slaver had communicated at Trinidad, was unable to make arrangements for landing there and had proceeded to the westward, where she doubtless had been more successful; and thus encouraged, his Excellency was induced to continue his investigations, which have ended so signally to the discomfiture of the parties who are interested in this extensive violation of the law and of the existing Treaty.

I understand that the captured Bozals and their custodier Bergara have been brought on to this place from Colon, and that the latter is a close prisoner, pending the proceedings which have been commenced with a view to the discovery, if possible, of all concerned.

I lost no time in conveying to General Dulce, through the Colonial Secretary, my hearty congratulations on this occasion of his Excellency's successful perseverance, and I have received a very cordial acknowledgment.

The Captain-General has thus shown his determination to put an end to the abominable traffic, but it would not surprise me, if after some time has gone by, and especially if his Excellency were to be removed, that under a Governor Captain-General less scrupulous, the Royal Audiencia, on application of some claimant, should decree the restitution of the captured slaves, under the 9th Article of the Penal Law, upon the plea of their having been arrested and taken from a plantation some days after they were landed.

I would most respectfully impress upon your Lordship the necessity of having the Penal Law altered, so that it may operate against rather than, as it is at present, as a protection to the slave-traders. If possible, slave-trading should be made piracy by Spain, and almost unlimited gubernative authority conferred upon the Captain-General, so as to enable him to deal summarily with the infractors.

These requisites to strengthen General Dulce's hands, and a thorough registration of the slaves now existing, according to the mode which would be ordered by General Dulce, so as that it would be easy afterwards to detect subsequent introductions, would most assuredly put an end, during this officer's rule, to African slave-trading.

But it would behove Her Catholic Majesty's Government to consider and concert measures for the gradual emancipation of all the slaves, preparatory to the final abolition of slavery here and throughout the Spanish dominions.

It must be evident to the Spaniards, as it is to all the world, that the lamented struggle which has for some time past been going on and is still continued in America, whatever may be its result as to the separation of the North and South, must put an end to the institution of slavery, which must be abolished, and that slavery cannot continue to be an institution of the Spanish Colonies after its abolition in the United States and the rest of the civilized world.

CAPE OF GOOD HOPE.

No. 32.

Her Majesty's Commissioners to Earl Russell.—(Received March 2.)

My Lord,

Cape Town, January 6, 1863.

IN pursuance of the instructions given to us in the Earl of Aberdeen's despatch of the 20th February, 1843, we have the honour to inclose to your Lordship a detailed Report of the judicial proceedings of the Mixed Commission during the year 1862, and a list of the cases adjudicated during that year.

We have, &c.
(Signed)

GEO. FRERE.
E. L. LAYARD.

Inclosure 1 in No. 32.

Report of the Judicial Proceedings of the Mixed Commission for the year 1862.

THE "*Flor da Cabaceira*," detained by Her Majesty's ship "*Penguin*," Lieutenant Mc Hardy, on the 24th of June, 1861, in latitude 12° 32' south, and longitude 40° 48' east, on suspicion of being engaged in the Slave Trade.

The reasons given by the captor for the seizure were :—

1st. The chase.

2ndly. That 11 negroes (8 men and 3 children) found on board were slaves.

3rdly. Fittings, viz., a temporary slave-deck laid, a number of slave-mats, two pair of slave-irons, a large copper boiler, and a number of smaller pots on board, altogether capable of cooking for forty or fifty people, and some brass rings.

4thly. That she had only a small cargo, but no master or crew.

After the negroes were removed on board Her Majesty's ship "*Penguin*," the dhow was destroyed as being unseaworthy, having been first surveyed and found to be of the burthen of 29½ tons English.

Lieutenant Mc Hardy then proceeded to Ravooma Bay, where 10 of the negroes were landed to assist the boat's crew in getting wood, when 9 availed themselves of an opportunity to escape, and were not recaptured. The 2 remaining boys were brought to Simon's Bay.

The case was brought before the Mixed Commission on the 30th December, 1861. The 2 negro boys, the flag, the two pair of irons, the brass rings, and the ship's papers, were produced; the rest of the cargo, slave-deck, mats, &c., having been destroyed with the vessel.

Upon examination of the ship's papers and other documents bearing upon the proceedings of the vessel, it appeared to the Court that she belonged to a Banian named Xatoborge Dolabo, who had a small mercantile establishment at Arimba, and that previous to the capture she had been employed in lawful trade. From the evidence of the 2 negro boys it appeared that no one had left the ship previous to the capture, and the Court was satisfied that the 11 negroes were the same persons as were shipped as her crew at Mozambique.

On the 4th January, the Commissioners pronounced that the presence of irons on board was sufficient to justify the detention, and therefore no compensation for losses, damages, or expenses could be awarded; but that the evidence adduced would not warrant a sentence of condemnation, when weighed against the proof afforded by the ship's papers that the vessel was on a legal voyage, and by the testimony of the negro boys as to the identity of the men on board at the time of capture with the crew shipped at Mozambique.

The negro boys having declined to return to Mozambique, were handed over to the care of the Curator of Liberated Africans.

After the decision of the Court, a question arose as to the liability of the captor to pay in the first instance the amount of the fees and disbursements of the Marshal to the Mixed Commission; the captor and his legal adviser being of opinion that the captor was not called upon to liquidate these costs. A correspondence passed between the Registrar and the captor, and the Registrar and the captor's proctor, which resulted in a refusal to comply with the orders of the Commissioners.

On the 8th of April, the Commissioners decreed a monition calling upon the captor to pay the amount in question.

On the 14th April, these costs were paid into the Registry by the captor's proctor.

(Signed)

GEO. FRERE.
E. L. LAYARD.

Inclosure 2 in No. 32.

LIST of Cases adjudicated by the Mixed British and Portuguese Commission established at the Cape of Good Hope under the Treaty of July 3, 1842, between Great Britain and Portugal, for the suppression of the Traffic in Slaves, from January 1 to December 31, 1862.

Since opening of the Commission.	Number of Cases.			Class.	Name.	Flag.	Commander.	Owner.	Tonnage.		Date of Capture.	Date of Sentence.	Number of Negroes.			
	In 1862.	Restored.	Condemned.						Foreign.	British.			Captured.	Landed.	Emancipated.	Registered.
8	1	5	3	Dhow	Flor da Cabaceira	Portuguese	Assuadi	Xatorborge Dolabo	7 ³¹ / ₁₀₀	29 ¹ / ₂	1861 June 24	1862 Jan. 4	—	—	—	—

Cape Town, December 31, 1862.

(Signed)

GEORGE FRERE.
E. L. LAYARD.

No. 33.

Her Majesty's Commissioners to Earl Russell.—(Received March 2.)

My Lord,

Cape Town, January 6, 1863.

WITH reference to instructions given to us, to transmit to the Foreign Office at the end of each year, a certified copy of the Register of slaves emancipated by sentence of this Mixed Commission, we have the honour to acquaint your Lordship that no vessel with slaves on board has been brought before us during the year ending the 31st December, 1862.

We have, &c.

(Signed)

GEO. FRERE.
E. L. LAYARD.

No. 34.

Her Majesty's Commissioners to Earl Russell.—(Received March 2.)

My Lord,

Cape Town, January 6, 1863.

WE have the honour to transmit to your Lordship a Report drawn up by the Mixed Commission of which we are Members, in compliance with the provisions of Article XI, Annex B, to the Treaty of July 3, 1842, between Great Britain and Portugal for the suppression of the Traffic in Slaves, relating—

1. To the cases which have been brought before the Court for adjudication.
2. To the state of the liberated negroes.
3. To the treatment and progress made in the religious and mechanical education of the liberated negroes.

We have also the honour to inform your Lordship that our Portuguese colleague is about to transmit a duplicate original of this Report to the Government of His Most Faithful Majesty.

We have, &c.

(Signed)

GEO. FRERE.
E. L. LAYARD.

Inclosure in No. 34.

Annual Report of the Mixed Commission.

IN pursuance of Article XI of Annex B, to the Treaty concluded on the 3rd of July, 1842, between Great Britain and Portugal for the suppression of the Traffic in Slaves, the Undersigned Members of the Mixed Commission established at the Cape of Good Hope under that Treaty have the honour to lay before the Government of Her Britannic Majesty and the Government of His Most Faithful Majesty their annual Report, relating—

1. To the cases which have been brought before the Mixed Commission for adjudication.

During the year 1862 one case, that of the Portuguese dhow "*Flor da Cabaceira*," was adjudicated.

The papers belonging to the "*Flor da Cabaceira*," Assuadi, Master, were brought into Court on the 30th of December 1861, by the captor, Lieutenant J. G. G. Mc Hardy, commanding Her Britannic Majesty's steam gun-vessel "*Penguin*."

From the captor's affidavit it appears that the "*Flor da Cabaceira*" was detained under the following circum-

stances. On the 24th of June, 1861, the "Penguin" was cruising off Querimba Island; and the captor having observed a dhow standing to the southward, made sail after her for the purpose of ascertaining her character. The dhow stood towards the land, and did not heave-to when a blank gun was fired, but hoisted Portuguese colours, and paid no further attention to the signal. Three several shotted guns were then fired from the "Penguin;" at the third gun the chase shortened sail. When boarded by the captor, 11 negroes (8 men and 3 children) were found on board.

The reasons given by Lieutenant Mc Hardy for the detention of the vessel were—

1. That he learned through one of the "Penguin's" crew who spoke a little Portuguese, and could converse with one of the negroes, that the master and crew had taken to their boat previously to the dhow shortening sail, and had probably escaped to the land.
2. That he considered the 11 negroes found on board to be slaves.
3. That he found the "*Flor da Cabaceira*" had a temporary slave-deck laid, constructed of rattans.
4. That she had a great number of coarse slave-mats.
5. That two pair of slave-irons were discovered concealed under the cooking galley.
6. That she had a good-sized copper boiler, and a number of smaller pots; together capable of cooking for forty or fifty people.

The only cargo found on board consisted of two boxes of common print goods, two kegs of gunpowder, one bale of cotton wool, and $\frac{1}{2}$ cwt. of brass rings. The food consisted of three bags of paddy and two of millet.

The dhow having been surveyed, and found to be unable to encounter a voyage to the port of adjudication was measured, and according to that measurement was of the burden of 29 $\frac{1}{2}$ tons. She was then scuttled and sunk.

The "Penguin" proceeded to Rovooma Bay, where 10 of the negroes were landed for the benefit of their health, and to assist the boat's crew in taking wood on board. Nine availed themselves of the opportunity to escape, and were not re-captured. The remaining 2 negroes (children) were produced to the Mixed Commission on December 30, 1861, and at the same time the papers found on board, the flag, the two pair of irons, and the brass rings were brought into the Registry; the remainder of the cargo, rattan-deck, mats, &c., having been destroyed with the vessel.

Upon examining the ship's papers, and sundry memoranda bearing upon the proceedings of the owner of the vessel, the Court was satisfied that the 11 negroes found on board were the actual 11 persons enumerated on the muster-roll as forming the crew of the vessel; and that the "*Flor da Cabaceira*," which was the property of one Xatorborge Dolabo, a Portuguese subject, and was duly registered as being of the burden of 7-21 tons, had her passport, muster-roll, and the manifest of her trifling cargo shipped for a voyage from Ibo to Arimba, and dated Ibo, June 17, 1861, all in due form and order.

From the evidence of the two negro boys, the Court came to the conclusion that they were shipped with the other negroes as sailors on board; and that none of the crew so shipped at Mozambique had left the vessel before the capture; and the papers brought into Court showed that Xatorborge Dolabo had been for some time employed in lawful trade, and possessed a small mercantile establishment at Arimba, near Ibo.

On the 4th of January, 1862, the Commissioners delivered their Judgment. The Court held that the evidence produced by the captor was insufficient to show that the "*Flor da Cabaceira*" was guilty of an infraction of the Treaty of July 3, 1842, when weighed against the proof afforded by the ship's papers and by the evidence of the two negro boys that the vessel, when captured, was prosecuting a lawful voyage; the Commissioners therefore pronounced the said vessel to have been at the time of the capture and seizure thereof engaged in licit traffic, and as such not subject and liable to condemnation; but that shackles having been found on board, no compensation for losses, damages, and expenses consequent upon the detention could be awarded.

The 2 negro boys having declined to return to Mozambique, were handed over to the care of the Curator of Liberated Africans.

Subsequently to the decision of the Court, a question arose as to the liability of the captor to pay, in the first instance, the amount of the taxed fees and disbursements of the Marshal to the Mixed Commission; the captor and his legal adviser being of opinion that the captor was not called upon to liquidate these costs. Upon the point at issue, some correspondence passed between the Registrar and the captor, and the Registrar and the captor's proctor, who, in Lieutenant Mc Hardy's absence, represented him before the Court, which terminated in a refusal to comply with the orders of the Commissioners. Thereupon their Honours, on the 8th of April, decreed a monition, calling upon Lieutenant Mc Hardy forthwith to pay the amount in question; which monition was duly served, and eventually, on the day of its return into Court, April 14, 1862, the amount of the Marshal's fees and disbursements was paid into the Registry by the captor's proctor.

With respect to the state of the liberated negroes, and their progress in religious and mechanical education, the Undersigned have only to report that as yet no negroes have been emancipated by Decree of this Mixed Commission.

(Signed)

GEO. FRERE.
E. L. LAYARD.

EDUARDO A. DE CARVALHO.

WM. TASKER SMITH, *Registrar*.

Mixed British and Portuguese Commission, Cape Town, December 31, 1862.

No. 35.

Her Majesty's Commissioners to Earl Russell.—(Received April 29.)

My Lord

Cape Town, March 10, 1863.

WE have the honour to report to your Lordship the following particulars relating to the case of a dhow adjudicated in the Vice-Admiralty Court of this Colony.

From the affidavit filed in the case, it appears that on the 16th of July, 1862, while Her Majesty's ship "Narcissus" was cruising off Melinda, Captain Bickford dispatched Lieutenant Price in the second cutter to ascertain the character of certain dhows lying at anchor in the harbour; and that about 9-30 A.M. Lieutenant Price boarded a large dhow which had been beached.

Upon examination she was found to have been deserted by her crew ; and on searching her neither flag nor papers could be discovered, but there were on board part of a slave-deck laid, two large tanks holding two tons and a-half of water, two earthenware pots fit to cook for 100 persons, two slave privies, and great quantities of coarse slave-matting.

On shore there was a third tank, equal to the others in size, but stove in and useless, and the remaining part of the slave-deck was discovered concealed in the bush.

Being unfit for a voyage to a port of adjudication, she was burned, after being measured, and found to be of the burden of 175 $\frac{6}{94}$ tons.

Upon this evidence the Court, on the 2nd instant, pronounced a sentence condemning this vessel as good prize to Her Majesty's ship "Narcissus," Captain J. G. Bickford.

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

No. 36.

Earl Russell to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, May 21, 1863.

I TRANSMIT to you, for your information, a copy of a despatch from Her Majesty's Minister at Washington,* announcing the appointment of Mr. Benjamin Pringle to be Judge on the part of the United States in the Mixed Commission Court established at the Cape of Good Hope under the Treaty with the United States for the suppression of the African Slave Trade.

I have caused a communication to be made to the Colonial Office requesting that the Governor of the Cape of Good Hope may be instructed to receive Mr. Pringle with the courtesy and attention due to his official position.

I am, &c.
(Signed) RUSSELL.

No. 37.

Her Majesty's Commissioners to Earl Russell.—(Received May 29.)

My Lord,

Cape Town, April 11, 1863.

WE have the honour to report to your Lordship that Mr. William Lovel Avery, Arbitrator in this Mixed Court of Justice on the part of the United States of America, arrived in this Colony on the 9th instant, and at a sitting of the Mixed Court held this day, presented his credentials, which were found to be in good and proper order.

Mr. Avery also took the oath of office before his Excellency the Governor of the Colony, in the form prescribed by the Act 25 and 26 Vict., cap. 90 ; and under the IXth Article of Annex B to the Treaty of April 7, 1862, between Great Britain and the United States of America for the suppression of the African Slave Trade, took his seat as Acting Judge in the Mixed Court of Justice.

A record of these transactions has been duly entered upon the Minutes of this Mixed Court.

We are glad to be able to state that Mr. Avery has recorded his approval of the proceedings taken with regard to the opening of the Court previous to his arrival.

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

No. 38.

Earl Russell to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, June 5, 1863.

I TRANSMIT, for your information and guidance, copies of the Regulations which I have had drawn up for the guidance of the Judges and Arbitrators appointed on the part of Her Majesty for carrying into effect the provisions of the Treaty between Her Britannic Majesty and the United States of America for the suppression of the African Slave Trade.

These Regulations, you will see, differ in some important points from those furnished for your guidance in carrying out the provisions of the Treaty with Portugal for the suppression of the Slave Trade, but they have been carefully prepared, and are framed in accordance with the course of proceeding now observed in the High Court of Admiralty in this country, and will be found much more simple and complete.

I have instructed Her Majesty's Minister at Washington to communicate copies of these Regulations to the United States' Government for their approval, and to state that Her Majesty's Government would of course take into consideration any amendments or alterations which the United States' authorities, after due deliberation, might see fit to suggest; but as the Regulations have been maturely considered, his Lordship is directed to express the hope that they will accord with the views of the United States' Government, and that the United States' officers in the several Mixed Commission Courts at New York, Sierra Leone, and the Cape of Good Hope will be directed to guide their proceedings in conformity thereto.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 38.

Regulations for the Guidance of the Mixed Courts of Justice established in pursuance of the Treaty of the 7th of April, 1862, between Her Britannic Majesty and the United States of America, for the Suppression of the Slave Trade.

[See Appendix.]

No. 39.

Earl Russell to Her Majesty's Commissioners, June 23, 1863.

Inclosing Letter from Mr. Adams, with List of United States' Cruizers instructed to act under the Treaty of April 7, 1862.

[See No. 82.]

No. 40.

Earl Russell to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, July 22, 1863.

I TRANSMIT, for your information and guidance, six copies of an Additional Article* to the Treaty between Her Majesty and the United States of America for the suppression of the African Slave Trade, signed at Washington on the 17th of February last.

I also inclose copies of an Act of Parliament which has been passed for carrying into effect the Additional Article in question.

I am, &c.
(Signed) RUSSELL.

* Class B, Inclosure in No. 221.

No. 41.

Earl Russell to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, July 25, 1863.

I TRANSMIT to you herewith copies of a despatch and its inclosure from Her Majesty's Minister at Washington,* by which you will perceive that the United States' Government have approved the Regulations prepared by Her Majesty's Government for the guidance, in the technical part of their duties, of the Judges and Arbitrators appointed for carrying into effect the provisions of the Treaty of the 7th of April, 1862, between Her Majesty and the United States for the suppression of the African Slave Trade.

I have accordingly to desire that you will be guided by these Regulations in the adjudication of any cases that may be brought before you under the provisions of the Treaty in question.

I am, &c.
(Signed) RUSSELL.

No. 42.

Her Majesty's Commissioners to Earl Russell.—(Received August 10.)

My Lord,

Cape Town, June 30, 1863.

WE have the honour to report to your Lordship that no case has been adjudicated by this Mixed British and Portuguese Commission during the half-year ending this day.

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

No. 43.

Her Majesty's Commissioners to Earl Russell.—(Received August 25.)

My Lord,

Cape Town, July 17, 1863.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 5th of June, transmitting to us copies of the Regulations which have been drawn up for the guidance of the Judges and Arbitrators appointed on the part of Her Majesty for carrying into effect the provisions of the Treaty between Great Britain and the United States of America for the suppression of the African Slave Trade.

We beg to thank your Lordship for this communication, and to inform you that, on the arrival of the members of the Court now expected from the United States, we shall take the earliest opportunity of proposing the adoption of these Regulations, and that in the meantime we shall carefully adhere to them in any case which may be brought before us.

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

No. 44.

Her Majesty's Commissioners to Earl Russell.—(Received September 28.)

My Lord,

Cape Town, August 1, 1863.

WE have the honour to transmit to your Lordship a report of the cases of seven dhows adjudicated in the Court of Vice-Admiralty in this Colony on the 14th ultimo, and condemned as good prizes to Her Majesty's ship "Gorgon."

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

Inclosure in No. 44.

Report of the cases of Seven Dhows condemned in the Vice-Admiralty Court as Prizes to Her Majesty's ship "Gorgon."

No. 1. A DHOW $81\frac{3}{4}$ tons, name and master unknown, captured by Lieutenant Keppel on the 10th of November, 1862, while in command of the cutter and second gig of Her Majesty's ship "Gorgon." This vessel was first seen running to the southward of Wasseen; and as soon as she perceived the boats made for the land, and after three hours' chase ran on shore. As the boats approached a cargo of slaves, about 70 in number, were seen to be discharged and carried into the bush.

Upon being searched no papers or colours were found, but she had the usual appearance of having just held a cargo of slaves. She had a large quantity of farinha and coarse rice, and a number of slave-mats and cooking utensils capable of cooking for 100 slaves.

No. 2. A dhow $91\frac{5}{8}$ tons, name and master unknown, captured by Lieutenant Keppel on the 19th of January, 1863, while in command of two boats of Her Majesty's ship "Gorgon." This vessel was observed shortly before daylight running out of Kiswara harbour, and was intercepted at about 5 A.M. Upon being searched she was found fully equipped for the Slave Trade, with a large quantity of slave food, farinha, and rice, with no colours or papers, and a crew of fourteen Arabs, some of whom stated that her destination was the Lindy River, where she intended to complete her watering and take in a cargo of slaves. After capture the crew were landed.

No. 3. A dhow $122\frac{3}{4}$ tons, name and master unknown, captured by Lieutenant Keppel on the 20th of January, 1863, while in command of two boats of Her Majesty's ship "Gorgon," off Mangulho River. She was observed at 11 A.M. standing out to sea, whereupon Lieutenant Keppel intercepted her to ascertain her character. Upon being boarded she was found fully equipped for the Slave Trade, with no colours or papers, and a crew of sixteen Arabs, who deserted in the night.

No. 4. A dhow $65\frac{5}{8}$ tons, name and master unknown, captured on the 22nd of January, 1863, by Lieutenant Keppel, while in command of two boats of Her Majesty's ship "Gorgon," cruising off Milkenday Bay. This dhow was observed at noon standing in between the reefs and the land. Upon being chased she ran into a narrow channel amongst the reefs communicating with the open sea at high water; and as Lieutenant Keppel approached he found the tide had fallen so that he could not get at her, but observed that the crew were busily engaged in landing her cargo of slaves, about 60 in number. At about 3 P.M., the tide rising, Lieutenant Keppel was enabled to approach and board her, and he found her wholly deserted and stranded. Upon searching her she was found fully equipped for the Slave Trade, with a quantity of slave food, but no colours or papers.

No. 5. A dhow $80\frac{1}{2}$ tons, name and master unknown, captured on the 20th of February, 1863, off Lamoo Roads, by Richard Jones, Boatswain, while in command of two boats of Her Majesty's ship "Gorgon." This vessel was observed at 1 P.M. standing in for Lamoo, and after a chase of an hour and a-half ran on shore on a point of Lamoo Island. Upon being boarded she was found deserted, with no colours or papers, and fully equipped for the Slave Trade.

No. 6. A dhow $111\frac{5}{8}$ tons, name and master unknown, captured on the 27th of February, 1863, by Richard Jones, Boatswain, while in command of two boats of Her Majesty's ship "Gorgon," cruising off Kwyhoo. This vessel was observed about 7 A.M. standing to the southward, and although she altered her course the captors succeeded in boarding her at mid-day, eight miles eastward of Kwyhoo. The captors during the chase observed the crew of the dhow in the act of throwing six or eight pairs of shackles overboard. Upon being searched no colours or papers were found. She had a crew of thirty men, apparently Northern Arabs; was fully equipped for the Slave Trade, and two more sets of shackles were found, and 350 dollars. The crew were landed on the mainland.

No. 7. A dhow $124\frac{3}{4}$ tons, name and master unknown, captured on the 6th of March, 1863, by Richard Jones, Boatswain, while in command of two boats of Her Majesty's ship "Gorgon," cruising off Lamoo. This vessel was intercepted standing in for Lamoo. Upon attempting to board her the crew, twenty-five in number, resisted with swords and daggers, but ultimately yielded. Upon being searched she was found without colours or papers, fully equipped for the Slave Trade, and a large supply of slave food, viz., farinha, coarse rice, salted shark, cassada, &c. The crew, who were all Somalis, were landed.

The tonnage of these vessels was ascertained by measurement; after which, with the exception of No. 5, which sank from injuries received when she was run ashore, they were destroyed as being unfit for a voyage to a port of adjudication.

No. 45.

Her Majesty's Commissioners to Earl Russell.—(Received September 28.)

My Lord,

Cape Town, August 17, 1863.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 23rd of June last, transmitting, for our information, the copy of a letter from the United States' Minister, inclosing a list of vessels of the United States' Navy, which have been furnished with authority to carry out the provisions of the Treaty of April 7, 1862, for the suppression of the African Slave Trade.

We beg to thank your Lordship for this communication, and to inform your Lordship that we have forwarded a copy of the list to the Admiral commanding-in-chief on this station.

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

No. 46.

Her Majesty's Commissioners to Earl Russell.—(Received September 28.)

My Lord,

Cape Town, August 28, 1863.

WE have the honour to inform your Lordship that Mr. Benjamin Pringle, Judge in this Mixed Court of Justice on the part of the United States of America, arrived in this Colony on the 14th instant; and at a sitting of the Mixed Court, held on the 15th instant, presented his credentials, which were found to be in good and proper order.

Mr. Pringle has this day taken the oath of office before his Excellency the Governor of the Colony, in the form prescribed by the Act 25 & 26 Vict., cap. 90; and a record of these transactions has been duly entered upon the Minutes of the Mixed Court.

We are glad to be able to state that Mr. Pringle has signified his approval of the proceedings taken with regard to the opening of the Court previous to his arrival.

We have, &c.

(Signed)

GEO. FRERE.

E. L. LAYARD.

No. 47.

Her Majesty's Commissioners to Earl Russell.—(Received October 21.)

My Lord,

Cape Town, September 1, 1863.

WE have the honour to report to your Lordship that, on the 19th ultimo, two dhows were condemned in the Vice-Admiralty Court of this Colony as good prizes to Her Majesty's ship "Penguin." The following are the particulars:—

No. 1. A dhow $62\frac{1}{2}$ tons was discovered by Mr. Snell, Master's Assistant of Her Majesty's ship "Penguin," on the 7th of July, 1862, at anchor in a creek in the Moyamba River, about four miles from the mouth. Upon being searched she was found deserted, with no colours or papers, but two slave-irons were discovered stowed away in the bilge connected by a chain of upwards of 30 fathoms in length, sufficient to secure 100 slaves. A bamboo slave-deck was ready laid, and the vessel was in other respects fitted for the Slave Trade. Upon Lieutenant McHardy, the Commander of Her Majesty's ship "Penguin," receiving Mr. Snell's report, he proceeded to examine her himself; and on further search she was found fitted with bulkheads, but the chain referred to by Mr. Snell was gone: whereupon Lieutenant McHardy seized her, after making several inquiries, but in vain, to ascertain from the negroes on shore as to what had become of her crew and cargo. Being unfit for a voyage to a port of adjudication, she was destroyed after being measured.

No. 2. A dhow of from 80 to 100 tons was observed by Lieutenant McHardy on the 6th of October last, to the southward of Brava; and on being chased she changed her course and ran on shore in the surf, which prevented the captors from getting alongside: but they observed the crew engaged in landing slaves, about 100 in number. They therefore remained by the dhow all night to prevent any attempt at escape, but at daylight they found she had completely broken up, and that nothing was to be seen of her but a tank washed up on the beach.

We have, &c.

(Signed)

GEO. FRERE.

E. L. LAYARD.

No. 48.

Her Majesty's Commissioners to Earl Russell.—(Received October 21.)

My Lord,

Cape Town, September 12, 1863.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 22nd of July last, inclosing copies of the Additional Article to the Treaty between Her Majesty and the United States of America for the Suppression

of the African Slave Trade, and of the Act of Parliament for carrying that Additional Article into effect.

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

No. 49.

Her Majesty's Commissioners to Earl Russell.—(Received October 21.)

My Lord,

Cape Town, September 12, 1863.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 25th of July last, with its inclosures, informing us that the United States' Government had approved the Regulations prepared by Her Majesty's Government for the guidance, in the technical part of their duties, of the Judges and Arbitrators appointed for carrying into effect the provisions of the Treaty of the 7th of April, 1862.

These Regulations had been taken into consideration, and had been adopted, at a meeting of the Mixed Court held on the 1st instant, with the addition of a few words to paragraph 26, which seemed to our United States' colleague desirable, in order to allow the Court to exercise its discretion as to taking the evidence of a witness who might, by inadvertence, have been present while other witnesses in the same cause were under examination.

We have the honour to inclose a copy of the Minute recording the adoption of the Regulations with this addition.

We take this occasion to report to your Lordship that Thomas Tinley, Esq., whose appointment as Marshal of the Mixed British and Portuguese Commission has already been approved of by your Lordship, has been appointed to the office of Marshal of the Mixed British and United States' Court of Justice.

We have, &c.
(Signed) GEO. FRERE.
E. L. LAYARD.

Inclosure in No. 49.

Minute.

*Mixed British and United States' Court of Justice,
Cape Town, September 1, 1863.*

Present:

Geo. Frere, Esq.
E. L. Layard, Esq.

Benjamin Pringle, Esq.

Wm. Tasker Smith, Esq, *Registrar.*

THE Regulations for the guidance of the Mixed Courts of Justice, inclosed to Her Britannic Majesty's Judge and Arbitrator in Earl Russell's despatch of June 5, 1863, were taken into consideration.

It was ordered,—

That paragraph No. 26 be amended by the addition of the words, "except at the discretion of the Court," to be inserted after the words, "before having been himself examined."

The following Regulations were adopted.

No. 50.

Her Majesty's Commissioners to Earl Russell.—(Received November 23.)

(Extract.)

Cape Town, October 1, 1863.

IN compliance with your Lordship's instructions, we have the honour to lay before your Lordship our Report upon the Slave Trade on the East Coast of Africa during the year ending the 30th ultimo.

We have heard of only one case in which slaves have been shipped from the Portuguese possessions for Cuba; this is said to have been effected by a Spanish brig early in January last, a little to the north of Pomba Bay, the slaves being shipped from Ibo. Upon this statement, we must however remark, that we have reason to suppose that our information is very imperfect, and most probably falls far short of the actual facts; thus, for instance, in our Annual Report last year, we stated the number of these vessels at three, whereas we have now learned, from a

source upon which we can rely, that at least six vessels succeeded in carrying off cargoes for the West Indies during the year 1861-62.

The exportation from places within the Portuguese dominions is still continued in Arab dhows, to Madagascar and the Comoro Islands, for the supply of Mayotta and Nosbeh; but it is with much pleasure that we have learned, that although some thousands are still taken, this branch of the trade has declined very much during the last two years, and that the falling off may principally be attributed to the exertions of the Governor-General of Mozambique, Senhor Tavaréz d'Almeida, who has taken pains to induce the slave-dealers to turn their attention to legitimate commerce. But it should be remembered that, beyond the immediate neighbourhood of the seat of Government, this officer has but little power. The Portuguese, except in the towns, are hardly under the control of the Governor-General, and for some years to come, any serious diminution in the trade must only be looked for from the cessation of the demand for slaves in other countries.

In the trade to the northward of Cape Delgado, we regret to say we can report no diminution. It is carried on as briskly as heretofore. The number of dhows taken up to the date of the latest advices from the coast was twelve: of these ten have already been condemned, seven as good prizes to Her Majesty's ship "Gorgon," one to Her Majesty's ship "Narcissus," and two to Her Majesty's ship "Penguin;" the remaining two, which have not yet been brought before the Court, were taken by Her Majesty's ship "Rapid." All the vessels condemned were equipped for the Slave Trade; but from two of them, slaves estimated by the witnesses at 160 in number were seen to be landed before the captors could succeed in boarding the dhows. Forty-two slaves are reported as taken in one of the "Rapid's" prizes.

We venture again to call the attention of Her Majesty's Government to the insufficiency of the cruisers sent to this station to deal with the Slave Trade carried on in the Arab dhows. These vessels are from 100 to 200 tons burthen, of light draught of water, well suited to run in and out of the numerous small ports open to them on the coast, and in many cases well manned and armed. In the absence of any accurate survey of the coast, cruisers of the large class now employed cannot act with efficiency near the shore, and the service is therefore carried on by means of their boats, which have neither the speed nor the force requisite to cope with vessels of the class above mentioned. The revolution in Madagascar also rendered it necessary to withdraw the vessels to which the watching of the enormous extent of coast is entrusted, so that during the present year the work will have been much interfered with, and for some time the slave-dealers will have carried on their trade almost without interruption. The Commissioners have in former Reports recommended that the number of cruisers should be increased, and we see reason now to repeat the recommendation, and to represent to Her Majesty's Government, that an addition of at least five vessels of the class of gun-boats, which we believe will be found best suited for the service, should be made to the force now at the disposal of the Admiral Commanding-in-chief.

LOANDA.

No. 51.

Her Majesty's Commissioner to Earl Russell.—(Received January 13, 1863.)

My Lord,

Loanda, October 18, 1862.

I HAVE the satisfaction of reporting to your Lordship that the slave-dealers in this quarter have just sustained another loss, which must prove the more serious at the present moment as they have lately been much pressed for shipping, and the barracoons have been for some time past filled with slaves, the cost of maintaining whom for a length of time must doubtless reduce the profits of their trade.

2. A large barque, flying Spanish colours, was observed by Her Majesty's ship "Zebra," Commander Hoskins, lying-to off Mangue Grande on the 3rd instant. Her colours were hauled down on the approach of the "Zebra's" boat, and on examination she was found to have on board every article requisite for the immediate reception of slaves, 200 of whom were actually in launches near the beach ready to be sent alongside, and the rest being embarked with the utmost expedition. In a few hours this vessel would doubtless have sailed with a cargo of not less than 600 slaves, but the timely appearance of the "Zebra" happily frustrated her iniquitous intentions. Great care had been taken by the captain and crew to destroy every clue to her name and nationality; and Commander Hoskins forthwith dispatched her to St. Helena, for adjudication in the Vice-Admiralty Court there under the provisions of the Act 2 and 3 Vict., cap. 73.

I have, &c.

(Signed) EDMUND GABRIEL.

No. 52.

Her Majesty's Commissioner to Earl Russell.—(Received January 13, 1863.)

My Lord,

Loanda, October 20, 1862.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 23rd July last, transmitting to me a copy of a despatch which you had addressed to Mr. Herries, Her Majesty's Chargé d'Affaires at Lisbon, relative to the course pursued by the Governor-General of this province in declining to correspond with me, as Her Majesty's Commissioner, upon subjects connected with the Slave Trade, and acquainting me that Her Majesty's Government is about to take further steps in this matter, as well as respecting the removal of slaves to St. Thomas, of which I shall be duly informed.

2. I beg leave to tender to your Lordship my warmest thanks and acknowledgments for this communication.

I have, &c.

(Signed) EDMUND GABRIEL.

No. 53.

Her Majesty's Commissioner to Earl Russell.—(Received January 13, 1863.)

My Lord,

Loanda, October 30, 1862.

I HAVE the honour to inform your Lordship that Her Majesty's ship "Espoir," Commander Douglas, detained on the 15th instant, off the River Congo, a barque called the "Jane," of about 290 tons, sailing under Dutch colours, and having on

board, besides a much larger quantity of provisions than was requisite for the use of her crew, an unreasonable number of water-casks, which, with various irregularities in the ship's papers and other circumstances relating to her proceedings, led to a strong suspicion that she was engaged in the Traffic in Slaves.

2. As the "*June*" was sent to Sierra Leone for adjudication before the British and Netherlands Mixed Commission established there under the Treaty of the 4th May, 1818, your Lordship will be made duly cognizant of the whole of the circumstances connected with the case of this vessel from the Reports of Her Majesty's Commissioners at that place, and I only take the liberty of adding the expression of my sincere hope that this apparent attempt on the part of the slave-dealers to shelter their nefarious proceedings under Dutch colours, presenting as it does so novel a feature in the Slave Trade on this coast, may be signally defeated by the energetic proceedings of Commander Douglas.

I have, &c.

(Signed) EDMUND GABRIEL.

No. 54.

Mr. Hewett to Earl Russell.—(Received February 4, 1863.)

My Lord,

Loanda, December 20, 1862.

IT is my very melancholy duty to have to acquaint your Lordship with the death, which occurred on the 14th instant, of Mr. Edmund Gabriel, Her Majesty's Commissioner in the Mixed British and Portuguese Commission established in this city.

2. Of how valuable a servant Her Majesty has been thus deprived, your Lordship too well knows. All who are engaged in the noble and humane cause, the Suppression of the Slave Trade, must lament the loss of his vigilance and assiduity; while how much beloved he was in private life, the mourning of a very large circle of friends will testify.

3. The cause of Mr. Gabriel's death was dysentery; a copy of a certificate to that effect I have the honour to hand to your Lordship.

4. About two months ago he was recommended to take a cruise, and after much persuasion, at the end of October, having then been ill for upwards of six weeks, he embarked on board Her Majesty's ship "*Zebra*;" but about two days after he had left, Her Majesty's ship "*Espoir*" was seen making for Loanda with a prize in tow—the Portuguese launch "*E.*" Mr. Gabriel at once returned to his post, notwithstanding the state of his health, and worked nearly all day and all night. This, of course, added to his going out in the mid-day heat, and getting only broken rest at night, increased the virulence of his disease. On the 9th instant, upon medical advice and the earnest entreaties of his friends here, he left Loanda in Her Majesty's ship "*Torch*," on board of which vessel he expired at 5.20 P.M. on the 14th instant, when about 100 miles from this place.

5. The "*Torch*" returned to Loanda on the morning of the 15th, and preparations having been hastily made, the corpse was landed in the afternoon. Officers, seamen, and marines of both Her Majesty's ships in port at the time, "*Torch*" and "*Wrangler*," attended the mournful procession. A very large number of friends of the deceased, and a great part of the population of Loanda, proved their respect for the much lamented gentleman by following the coffin from the place where it was landed to the grave where it was deposited. By order of his Excellency the Governor-General of this province, who was represented in the cortège by both his aides-de-camp, the honours due to the highest judicial authority here were paid to the remains of Mr. Gabriel. The funeral service was read by Commanders Smith and Beamish.

6. On the following day I accompanied the two officers above-mentioned to the palace, in order to tender our thanks and acknowledgments to his Excellency the Governor-General for the honours which had been so graciously and respectfully accorded to the remains of our much-esteemed countryman.

I have, &c.

(Signed) EDWARD HYDE HEWETT.

Inclosure in No. 54.

*Certificate.**"Torch," St. Paul de Loanda, December 15, 1862.*

I HEREBY certify that I attended the late Mr. Edmund Gabriel, and that he died on board this ship at sea on December 14, 1862, from dysentery.

(Signed)

C. J. FENNELL, *Assistant Surgeon.*

No. 55.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, January 12, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch dated the 28th of August, 1862, addressed to Her Majesty's Commissioner at this place, inclosing copy of a despatch from Mr. Herries, Her Majesty's Chargé d'Affaires at Lisbon, by which it appears that, in consequence of the Government of His Most Faithful Majesty not approving the line of conduct adopted by the Governor-General with regard to his refusal to correspond with Her Majesty's Commissioners on Slave Trade matters, instructions in conformity with the views of the Cabinet of Lisbon would without delay be sent to the Governor-General.

2. By the same despatch your Lordship signifies your entire approval of the conduct and proceedings of Her Majesty's Commissioners in the communications which had passed between them and the Governor-General of Angola on that matter.

I have, &c.

(Signed)

EDWARD HYDE HEWETT.

No. 56.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, January 13, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch dated the 28th of August, 1862, addressed to Her Majesty's Commissioner, notifying the entire approval of Her Majesty's Government with reference to the language and proceedings of Her Majesty's Commissioners in certain communications which had passed between them and the Governor-General of Angola on the subject of the transfer of slaves from that province to the Island of St. Thomas.

I have, &c.

(Signed)

EDWARD HYDE HEWETT.

No. 57.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, January 15, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch dated the 23rd of September, 1862, addressed to Her Majesty's Commissioners, transmitting, for his information, a copy of a despatch from Mr. Herries, Her Majesty's Chargé d'Affaires at Lisbon, stating that he had been informed by the Marquis de Loulé that the Portuguese Government had taken effectual measures to put a stop to the practice of exporting slaves from Loanda to the Island of St. Thomas, and that both the Governor-General and the Provincial Secretary of Angola had been recalled.

I have, &c.

(Signed)

EDWARD HYDE HEWETT.

No. 58.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, January 19, 1863.

I HAVE the honour to lay before your Lordship the particulars of an occurrence which took place in this harbour, an account of which has, I understand, been transmitted by the Governor-General of Angola to Lisbon, and is likely to be brought to your Lordship's knowledge by the Government of His Most Faithful Majesty.

2. On the 16th December, while returning to the ship under his command, Commander Smith observed the Portuguese brigantine "Paquete de Mossamedes" steering directly for the bows of that vessel, and had not Lieutenant Martin, who was at the time the senior officer on board, very promptly slipped the "Torch's" cable, a collision must inevitably have taken place.

3. Commander Smith, arrived on board, manned his boats and ordered the crews to bring the brigantine to an anchor, in order to obtain either an explanation or apology from the master, who, however, together with the crew of the "Paquete de Mossamedes," seeing that their vessel was being boarded, immediately deserted her.

4. When Commander Smith found the brigantine had been anchored, he hoisted the signal recalling his boats, and fired two guns, I believe to draw the attention of the absent party to the signal.

5. Early on the following morning Commander Smith received a despatch from the Governor-General of this Province, complaining of the gratuitous insult offered in this port by Her Majesty's ship "Torch" to the Portuguese flag. He immediately came ashore, and waited upon his Excellency to give him a full explanation of the affair, taking with him a despatch to the same effect in answer to the one he that morning received, in which after saying that by the early receipt of his Excellency's despatch he had been anticipated making his complaint, he repudiated the charge of insulting the flag of so faithful and so old an ally as Portugal. The despatch of the Governor-General appeared in the "Boletim Official," together with a translation of that of Commander Smith; a copy of the "Boletim" containing these I have the honour to inclose with translations of the correspondence.

6. Commander Smith had the honour of being for some time the senior officer of the South Division of the squadron on this coast, and while in that responsible position it was ever his policy to maintain and strengthen the amicable relations which must exist between Great Britain and Portugal to bring to a successful issue their labours in co-operating for the suppression of the Slave Trade.

7. After his audience with the Governor-General, Commander Smith returned to my house, and informed me that his Excellency had appeared perfectly satisfied with the explanation offered, and had attributed the mismanagement of the "Paquete de Mossamedes" to the native pilot on board at the time.

8. Her Majesty's ship "Torch" left for her cruising-ground on the 17th of December, and the "Paquete de Mossamedes" for the River Congo on the 20th, under convoy of His Most Faithful Majesty's palhabote of war "San Thomé."

9. Upon the arrival in this port of Her Majesty's ship "Narcissus," being asked by the Commander-in-chief, I gave him the above particulars, and he considering, as indeed Commander Smith and I did, that the affair had been settled, did not deem it necessary to reopen the subject.

10. After the departure, however, from this port of the "Narcissus," I heard that the Governor-General had sent to Lisbon an account of the affair, and also the despatch which Commander Smith had left with his Excellency.

I have, &c.

(Signed) EDWARD HYDE HEWETT.

Inclosure 1 in No. 58.

The Governor-General of the Province of Angola to Commander Smith.

(Translation.)

Sir,

Palace of Government, Loanda, December 17, 1862.

YESTERDAY, late in the evening, I received an official letter stating that a great insult had been offered by Her Majesty's ship "Torch," under your command: the brigantine "Paquete de Mossamedes," at the time she was getting under weigh, having been cleared by the proper authorities, being boarded by three boats belonging to that ship at 5.15 P.M.

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I can hardly believe an attempt of such a nature committed by British forces against all rights of the nation which boasts of being so old and faithful an ally of Great Britain, and which has ever maintained the strictest good faith in the fulfilment of her Treaties, even when so doing she felt obliged to involve herself with the most powerful nations.

I am therefore compelled to protest, as I solemnly do, against such a daring affront to the Portuguese flag, and I trust that my Government will obtain from the rectitude and impartial justice of yours due satisfaction, not only in regard to the dignity and national independence thus insulted, as in respect to the injury caused to commerce, in consequence of a vessel being forced to anchor when proceeding on a voyage for which she had been legally cleared.

God preserve, &c.

(Signed) JOSE BAPTISTA D'ANDRADE.

Inclosure 2 in No. 58.

Commander Smith to the Governor-General of the Province of Angola.

Most Excellent Sir,

"Torch," St. Paul de Loanda, December 17, 1862.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of this date, complaining of an insult made to the Portuguese flag in this port by the boats of Her Majesty's ship under my command, which yesterday evening boarded the brigantine "Paquete de Mossamedes."

In reply, I have to offer to your Excellency the following explanation:—

On my return to the "Torch" yesterday, at 5:30 P.M., in company with Commander Beamish of Her Majesty's ship "Wrangler," when about 500 yards from the "Torch," it appeared to me that the "Paquete de Mossamedes" was steering directly for the bows of the vessel under my command. On board the "Torch" sails were set and the cable slipped, which prevented the collision which must inevitably have occurred had this not been done.

Having by this time arrived on board the "Torch," and considering that the circumstances of this case required an explanation, I ordered my Lieutenant to take to the boats and bring the brigantine to anchor, which he did.

When I saw that the vessel was anchored, I immediately recalled the boats by signal, and to call attention to the signal a gun was fired. The Lieutenant then returned with the boats under his orders, and I can assure you that he did not remain on board the brigantine more than a quarter of an hour.

I cannot, nor do I wish to, impute the conduct of the master of the "Paquete de Mossamedes" to malice; I can therefore only suppose that it was due to extreme incapability or gross neglect.

From what is stated, your Excellency will perceive that what I did on this occasion was not without reason; and as the brigantine was about leaving the harbour with a favourable wind, it was indispensable, in order to obtain the necessary explanations, that she should forthwith be brought to an anchor, and this I took upon myself, as there was not time to communicate with the authorities of the port.

The early receipt of your Excellency's letter anticipated the complaint which I was about to address to your Excellency to-day.

I must express my deep regret that your Excellency could suppose that a British officer would at any time attempt to insult the Portuguese flag, more particularly when so many proofs of friendship towards our country have so lately been given on the occasion of the melancholy event which has just taken place.

In conclusion, I assure your Excellency that it has always been, and will ever be, my sincere wish to cultivate that friendly intercourse which for so many years has existed between the two nations.

I have, &c.
(Signed) F. H. SMITH.

No. 59.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, January 31, 1863.

I HAVE much satisfaction in being able to report to your Lordship the capture of the "Island Queen" on the 28th December last, by Her Majesty's ship "Wrangler," Commander Beamish, 180 miles due west of Elephant Bay. The case was taken before the Vice-Admiralty Court at St. Helena for adjudication.

2. The captain of this vessel said he was to have shipped his slaves at Equimina, a little to the north of Elephant Bay where he expected about 1,000, but he would have gone off had he been able to obtain 800. He was told in Lisbon, when asked to take charge of the "Island Queen," that to the southward of Loanda there was not the least danger of being captured, as the English cruisers were seldom or never sent there.

3. There is, my Lord, a great deal of truth in this; indeed, the few cruisers on this division of the station should always be on their cruising-ground, to effectually blockade the coast against the Traffic in Slaves. But Her Majesty's ships here being small must come frequently to Loanda for coals, or having taken a full prize and the vessel reported to be unseaworthy, they are obliged, having burnt her, to take the negroes over to St. Helena.

4. The principal points of this coast for the Slave Trade are no doubt to the north of Ambriz, and these places are carefully watched by Her Majesty's cruisers on this division; nor can they well be spared off their respective cruising-grounds:

therefore, except upon good information or when going to Ascension or St. Helena, the coast south of Loanda remains unvisited. The facilities for obtaining the victims of this infamous traffic are not so great there as at the north; but I fear, my Lord, they are far greater than they should be, considering that it is the territory of a Power bound by the honour of a Treaty, summoned by the calls of humanity, and, for the real welfare of this its largest Colony, so often counselled to use its every endeavour to exterminate this abominable barter for human flesh.

I have, &c.

(Signed) EDWARD HYDE HEWETT.

No. 60.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, February 1, 1863.

THROUGH the courtesy of Lieutenant Allingham, commanding Her Majesty's ship "Antelope," I am enabled to acquaint your Lordship with the capture of the "Lola Montes" by Her Majesty's ship under his command.

2. The capture of this prize was effected on the 25th November last off Cabenda, and she was said to be going to fill up with slaves at Moanda. When taken she had no name, claimed no nationality, nor did anybody on board appear as master of her. Her name, however, was voluntarily given by the captain of the "Island Queen," the seizure of which is reported to your Lordship in my despatch of the 31st ultimo.

3. She was a Spanish schooner of 100 tons register, and sailed from Cadiz in August 1862.

4. One of the passengers or crew acknowledged to have been taken in a slave-ship before.

5. The "Lola Montes" was sent to be adjudicated upon in the Vice-Admiralty Court at St. Helena.

6. I beg respectfully to draw your Lordship's attention to the fact that this vessel, as well as the "Island Queen," came from the port of Cadiz.

I have, &c.

(Signed) EDWARD HYDE HEWETT.

No. 61.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, February 12, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated 24th November, 1862, addressed to Her Majesty's Commissioner here, in which your Lordship approves of the note addressed by Mr. Gabriel to the Governor-General of Angola, requesting that inquiry might be made with the view to proceedings being adopted against the parties concerned in the Portuguese brigantine "Paquete de Loanda."

I have, &c.

(Signed) EDWARD HYDE HEWETT.

No. 62.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, February 13, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch dated 24th November, 1862, addressed to Her Majesty's Commissioner here, approving of his proceedings in regard to the Portuguese brigantine "Paquete de Mossamedes," suspected of being destined to be employed in the Slave Trade.

2. I have the further honour to acquaint your Lordship that this vessel did not leave the port of Loanda until the middle of December, when she went to the River Congo for firewood, and that, in conformity with the bonds exacted before her departure, she returned to Loanda during the course of the present month.

3. I beg to assure your Lordship that I will note with care the movements of this vessel; and should anything of a suspicious nature take place, I will as soon as possible apprize your Lordship of the same, and place the information at the service of the officers commanding Her Majesty's cruizers on this coast.

I have, &c.

(Signed) EDWARD HYDE HEWETT.

No. 63.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, February 19, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated the 23rd December, 1862, addressed to Her Majesty's Commissioner at this place, approving the further communications addressed by him to the Governor-General of Angola, in the matter of the Portuguese brigantine "*Paquete de Loanda*," which was captured in the River Congo shortly after leaving this port with a cargo of cattle.

I have, &c.

(Signed) EDWARD HYDE HEWETT.

No. 64.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, February 25, 1863.

I HAVE the honour to acquaint your Lordship that Her Majesty's ship "Brisk," Captain Luce, while on her way down from the Bights Division to Loanda, captured on the 10th instant, off the Island of Anno Bom, a slaver without colours or papers, of less than 100 tons, with 360 slaves on board.

2. It appears that this vessel was the "*Bella Augusta*," that she had shipped 500 slaves between Red Point and Cabenda seventeen days before, and that 140 had died in that short space of time, principally from the dearth of water; it having been discovered after the shipment of the negroes that there were only two casks full on board: from the others, it was said, the remainder of the water originally taken in had run out. The "*Bella Augusta*" was on her way to Anno Bom for a fresh supply.

3. The full report of the case your Lordship will, no doubt, obtain from another quarter, as the "*Bella Augusta*," with the necessary evidence, was sent for adjudication before the Vice-Admiralty Court at Sierra Leone.

I have, &c.

(Signed) EDWARD HYDE HEWETT.

No. 65.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, February 28, 1863.

I HAVE the honour to inform your Lordship that Her Majesty's ship "Zebra," captured in the River Congo, on the 20th November last, the brigantine "*Liberdade*."

2. Your Lordship may remember that Her Majesty's late Commissioners in the course of last year complained strongly to Governor Calheiros of the system of allowing vessels to clear hence for the Island of St. Thomas with libertos, a system which so suddenly sprung up and flourished so well under his administration, but which, through your Lordship's intervention, has so quickly been extinguished. This brigantine "*Liberdade*" was one of the vessels which was permitted to proceed on this illegal speculation, for such it no doubt was.

3. Not being able to communicate with the Governor-General as Acting Vice-Consul, I took advantage of his Excellency being Acting British Commissioner, and in my character of Clerk to Her Majesty's Commissioners, proceeded to the palace with the letter from the late Governor, General Calheiros, to Her Majesty's Commis-

sioners, dated April 7, 1862, in paragraph 9 of which he acknowledges that the "*Liberdade*" was about to leave this port in conformity with the law of the country. By this I inferred that the necessary bonds had been entered into.

4. I likewise took with me the letter from Commander Hoskins, commanding Her Majesty's ship "*Zebra*," to Her Majesty's Commissioner, informing him of the capture. I explained to the Governor-General that these documents were from the archives of the Commission, of which he was the sole representative here, and that these letters I had the honour of placing before him as such, leaving him to act as he thought fit in his other capacity—that of Chief of the Government of this Province.

5. His Excellency informed me that he was aware of the capture of the "*Liberdade*," and that he had already communicated with the Government of the Island of St. Thomas, where the "*Liberdade*" went after leaving this, and where it appears she was sold to other parties, thereby relieving the bonds in this city of responsibility in the voyage she was destined to attempt, but which she has been happily frustrated in accomplishing. His Excellency expressed a hope that the bonds which it was necessary for her to obtain at the Island of St. Thomas previous to her departure would be exacted, and that it was with that object that he had requested the Governor of that island at once to put the Government of His Most Faithful Majesty in possession of all the information he possibly could on the subject.

6. The promptitude and spontaneity on the part of the present Governor-General in thus taking action with regard to this matter will, I feel assured, be fully appreciated by your Lordship.

I have, &c.
(Signed) EDWARD HYDE HEWETT.

No. 66.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

(Extract.)

Loanda, March 3, 1863.

I HAVE the honour to inform your Lordship that Her Majesty's ship "*Antelope*" arrived in this port with the Portuguese brigantine "*Venus*" in tow, in the month of January last.

The case was tried before the Mixed Commission established in this city, his Excellency the Governor-General acting as Commissioner on the part of Great Britain, in accordance with the provision of Article X of Annex B of the Treaty between Great Britain and Portugal, dated 3rd July, 1842.

The "*Venus*"* was on the 25th of February adjudicated a bad prize, but the captor was not cast in damages for the detention of the brigantine.

The judgment of the Commissioners will be found in the official "*Boletim*," a translation of which I beg to inclose.

Inclosure in No. 66.

Extract from the "Official Boletim" of February 25, 1863.

(Translation.)

IT has been adjudged by the Portuguese and British Mixed Commission established in this city, in virtue of the Treaty concluded between Great Britain and Portugal for the Suppression of the Slave Trade, signed in Lisbon on the 3rd July, 1842,—

That these proceedings, and the documents hereunto annexed, being seen and examined, it results from the communication (folio 5), from the report of capture (folio 7), and certificate (folio 9), rectified by the sworn declaration (folios 15 to 19), that C. O'D. Allingham, Lieutenant Royal Navy, commanding Her Majesty's ship "*Antelope*," sighted on the 2nd instant, off Cabenda, the brigantine "*Venus*," steering towards the land, and that the steamer having immediately made for her, as soon as she was concealed from the brigantine, this vessel tacked to sea, and setting port studding-sails, made every effort to escape her, with the land wind then blowing light from the northern quadrant, but for the little breeze soon came up to her after a short chase, when she hoisted Portuguese colours:

That the said Commander of the steamer then boarding her, upon the appearance of her master he was recognized to be the same man met with before on board an American notorious slaver, named the "*Ilha da Cuba*," at that time pretending to be an American, and now appearing as a Portuguese subject:

That proceeding on the search, and finding her with a full cargo, the said officer could not ascertain if there were on board any of the articles pointed out in Article IX of the Treaty of 3rd July, 1842, but that astern of

* This vessel has been since captured by Her Majesty's ship "*Griffon*," fully equipped for the Slave Trade.

the mainmast a flying deck was found, separated by a partition, which appeared to him, the captor, to be the usual place on board slave-vessels to keep the women apart from the men :

That upon examination of the ship's papers, they did not seem to be in good order, in consequence of discrepancy in the captain's name, and because a greater number of passengers being mentioned in the articles than there were actually on board ; and that all these circumstances, added to that of the brigantine ascending the River Congo at the time she was discovered by the steamer—Loanda being the port of her destination, likewise the efforts made by that vessel to escape her, besides the master's rude reception of the boarding officer, gave rise to the suspicion that the brigantine might be engaged in the Slave Traffic, and let him to detain her, and to bring her before this Court.

The master, mate, and supercargo of the said brigantine concur in their depositions (from folios 22 to 31) ; they deny the vessel's having altered her course, setting any more sails on the appearance of the steamer, or endeavouring to escape her ; but the captain does not deny having been met with on board the "*Ilha de Cuba*" when she was detained by this same officer. He declares that he was second mate, and not first mate, but he denies having said to be an American.

In the survey (folio 34) it is asserted by the Surveying Officers that they found nothing, either in the vessel or her cargo, to give the slightest cause of suspicion of her being engaged in the Slave Trade, and consequently that they did not find the slave-deck mentioned by the captor, but only a partition forming a store for provisions, which could never be turned into a slave-deck with the few old boards found in the vessel.

From the Report (folio 43) it is stated by the same Surveying Officers that the vessel's log was correct, and in good order.

The whole being seen and well-examined, and considering that the said brigantine "*Venus*" has all her papers in legal form, and that she was thus carrying a cargo for licit commerce, as shown by the documents annexed to these proceedings ; considering that, from the strict search performed upon the said vessel and her cargo, as from the survey effected on her log, no cause whatever of suspicion of her being engaged in the Slave Trade was obtained ; considering that there is some confusion or inexactitude on the part of the captor when he says that the brigantine "*Venus*" was ascending the River Congo, contradictory to his Declaration (folio 7), where he states having detained the said vessel off Cabenda, concluding that she was going up the river, his Certificate (folio 9) being dated off Cabenda ; and that this Court, so as to obtain correct information, having presented to him at the time of his declaration (folios 15 to 19) a chart of the coast for him to determine the point where he sighted the brigantine, he made it at a medium distance between Cabenda and the Congo ; considering that there is no probability of the detained vessel endeavouring to avoid the steamer, as with a light wind from the north-east and port studding-sails, the cruiser standing south-east, according to Declaration (folio 17) she could never have escaped : we do adjudge the said brigantine "*Venus*" a bad prize, and as such free and clear her for not being implicated in any of the items of Article IX of the Treaty of the 3rd July, 1842, and order that all her crew be restored to liberty, and the vessel and cargo returned in her actual condition to the respective master. Considering, moreover, that the captor was led into error by fault of the master of the said brigantine that caused him to engender well-founded suspicion against the same, not only from the difference of three passengers being short from those set down in the Articles, but because the name of the master was not alike in the several ship's papers, the signatures likewise differing in regard to the name "*Pinto*,"—irregularities which the master should have been more cautious about, to avoid troubles of this nature ; added to which, the master was particularly suspicious to the captor, having been formerly met by him on board an American vessel which he understood subsequently shipped slaves, and that the confidential denouncements respecting this vessel gave the captor good grounds to detain her. Having in view the disposition of Article VII, in fine, of Annex B to the Treaty of the 3rd July, 1842, the Commissioners in the Mixed Commission adjudge the said Lieutenant Constantine O'Donnell Allingham, commanding Her Majesty's ship "*Antelope*," free and exempt of payment of indemnities of any kind for losses and damages caused to the said brigantine, her cargo, passengers, or crew by such detention, and consequently her owner, shipper, master, crew, and passengers, with no right to claim any such indemnities from the captor or the British Government. And order it to be thus executed, for which purpose they interpose their legal authority.

Given and published in session of the Mixed Commission Court at St. Paul de Loanda, on the 25th February, 1863.

(Signed)

JOSE BAPTISTA D'ANDRADE, *Governor-General.*
JOSE JULIO RODRIGUES, *Portuguese Commissioner.*

No. 67.

Her Majesty's Acting Vice-Consul to Earl Russell.—(Received May 6.)

My Lord,

Loanda, March 5, 1863.

I HAVE the honour to inform your Lordship that Her Majesty's ship "*Zebra*" arrived in this port the 21st February, having detained the Portuguese brigantine "*Laura*," which vessel came in here on the evening of the same day in charge of an officer and prize crew of the "*Zebra*."

2. The trial has not yet terminated in the Court of the Mixed British and Portuguese Commission ; but I hope to be able to report by the next mail the Judgment of the Commissioners in the case.

I have, &c.

(Signed)

EDWARD HYDE HEWETT.

No. 68.

Her Majesty's Commissioner to Earl Russell.—(Received July 10.)

(Extract.)

Loanda, April 25, 1863.

I HAVE the honour to acquaint your Lordship that I arrived in this city on the 7th instant, and on the 9th I presented my respects to his Excellency the Governor-General, and showed him my warrant as Her Majesty's Commissioner. The Portuguese Commissioner was dangerously ill, and unable to receive my visit: he died on the Sunday following.

On the 14th instant I took the oaths as Her Majesty's Commissioner, and also as a member of the Board of Superintendence, before the principal Magistrate of the place. On the same day I attended a session of the Mixed Commission, the Governor-General acting as Portuguese Commissioner.

No. 69.

Her Majesty's Commissioner to Earl Russell.—(Received July 10.)

My Lord,

Loanda, April 25, 1863.

I HAVE the honour to report to your Lordship that the "*Mariquita*," an American-built fore-and-aft schooner, with Custom-house clearances from London, was on the 17th March captured off Point Padrone by Commander Hoskins, of Her Majesty's ship "*Zebra*," with 471 slaves on board. The "*Mariquita*" had been watched since the beginning of March by the cruizer stationed off the River Congo. She was sent to St. Helena for adjudication.

The Captain of the "*Mariquita*" was the notorious Captain Bowen, formerly of the "*Nightingale*." He was sent to St. Helena in the captured vessel, Commander Hoskins most judiciously thinking it desirable to rid the coast of so bold and skilful a slave captain.

I have, &c.
(Signed) W. VREDENBURG.

No. 70.

Her Majesty's Commissioner to Earl Russell.—(Received July 10.)

My Lord,

Loanda, April 27, 1863.

I HAVE the honour to report to your Lordship that the Portuguese brigantine "*Laura*" (the detention of which vessel by Her Majesty's ship "*Zebra*" was reported to your Lordship by Mr. Hewett, on the 5th of March), was on the 17th of that month condemned by the British and Portuguese Mixed Commission holding its sittings in this city, and sentence of confiscation recorded against her, the Court ordering that she should be disposed of in the manner prescribed by the Treaty.

I will forward to your Lordship the Judgment of the Commissioners as soon as I can translate and prepare the papers.

I have, &c.
(Signed) W. VREDENBURG.

No. 71.

Her Majesty's Commissioner to Earl Russell.—(Received August 3.)

My Lord,

Loanda, May 20, 1863.

I HAVE the honour to report to your Lordship that on the 1st of this month a launch arrived at this port with 79 blacks on board. She had been captured by the Chief (Chefe) of Novo Redondo, cruising along the coast, with the intention, as he supposed, of conveying the negroes on board of some vessel in the offing. The Governor-General informed me that such was also his opinion, and that he had sent down orders to ascertain by whom they had been shipped; and his Excellency has

since told me that two white men have been apprehended and are in custody. The launch has been sent down to be tried in the Prize Court at Benguella, within which Province the capture was made.

I fear, my Lord, that more slave-trading has been carried on to the southward of this port than we have hitherto been aware of, and I think it would be desirable that that part of the coast should be more frequently visited by Her Majesty's cruizers.

I am happy to inform your Lordship that, from frequent conversations that I have had with the Governor-General, I feel satisfied that he will use all the means in his power to put an end to the Slave Trade.

I have, &c.
(Signed) W. VREDENBURG.

No. 72.

Her Majesty's Commissioner to Earl Russell.—(Received September 19.)

My Lord,

Loanda, July 4, 1863.

I HAVE the honour to transmit herewith a Return of vessels captured on suspicion of being engaged in the Slave Trade, and adjudicated in the Court of Mixed Commission established in this city during the last half-year.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 72.

RETURN of Vessels Captured on suspicion of being engaged in the Slave Trade, and Adjudicated in the Mixed Court at Loanda, from January 1 to June 30, 1863.

Name of Vessel.	Flag.	Name of Master.	Date of Seizure.	Where Captured.	Property Seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Decretal part of Sentence.
Genus ...	Portuguese ...	A. Pinto de S. Carvalho	1863 Feb. 2	Near Cabenda ...	Brigantine	Lieutenant Allingham, H.M.S. "Antelope"	1863 Feb. 25	None ...	Liberated without costs.
Laura ...	Ditto ...	Vital Pereira de Miranda and José Lucas	Feb. 13	River Congo ...	Ditto	Commander Hoskins, H.M.S. "Zebra"	Mar. 17	Ditto	Condemned.

Loanda, July 4, 1863.

(Signed) W. VREDENBURG, *Commissioner.*

No. 73.

Her Majesty's Commissioner to Earl Russell.—(Received September 19.)

My Lord,

Loanda, July 29, 1863.

I HAVE the honour to transmit herewith a Report of the case of the Portuguese brigantine "*Laura*," condemned on the 17th March by the Mixed Commission holding its sitting in this city, with a translation of the Judgment delivered by the Court.

Among the papers found on board was a bond ("termo di responsabilidade") signed on the 16th of last September, before the Portuguese Consul at Havana, by José Lucas the master of the "*Laura*" and Ygnacio Unanue as his surety, subjecting themselves to the usual penalties should the "*Laura*" be employed for slave-trading purposes. The Governor-General has at my request called the attention of the Portuguese Government to this circumstance, that they may take steps to enforce the penalties.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure 1 in No. 73.

Report of the case of the Portuguese brigantine "Laura."

THE Judgment given in this case enters so fully into all the particulars, and recapitulates so clearly and minutely the evidence taken, that little is left on which to report.

The "*Laura*" had been an American vessel, owned by W. W. Huffington, of Baltimore, and was sold at the Havana on the 5th of September, 1862, to José Lucas, a Portuguese subject. She sailed from Havana on the 28th October with a provisional register granted by the Portuguese Consul at that port, having cleared out for the Island of San Thomé (St. Thomas) and a market, her cargo consisting principally of rum, with some other articles of small value. She arrived in the Congo towards the end of January without having touched at San Thomé, although she had cleared out at Havana for that island, and had passed within 200 miles to windward of it. She was visited by a boat of Her Majesty's ship "*Zebra*," on the 11th February, captured by that vessel on the 13th, and brought to this port on the 21st of that month. Proceedings were commenced in Court of Mixed Commission before the Portuguese Commissioners, in the absence of the British Commissioners, on the 24th; the monition issued, and the following papers found on board filed in the cause:—

Copy of List of Papers.

1. Provisional register granted by the Portuguese Consul at Havana.
2. Power of attorney from W. W. Huffington, of Baltimore, appointing William E. Atkins, master of the vessel, his attorney, for the purpose of selling the same.
3. Bill of sale to José Lucas, a Portuguese subject, executed before the American Consul-General at Havana, and dated September 5, 1862.
4. A certificate of the Portuguese Consul that José Lucas had presented the bill of sale to him, and authorizing him to apply for register.
5. Certificate of Portuguese Consul that José Lucas had appeared before him, and declared that he was about to proceed to San Thomé, and ports on the coast; that he had no intention of engaging in the Slave Trade, and subjecting himself to the penalties mentioned in Article 13 of the Decree of the 10th December, 1836, should he act in its violation.
6. Bond entered into by José Lucas and his surety, Ignacio Unanne, before the Portuguese Consul, that the former would not engage in Slave Trade, and submitting to penalty for infraction.
7. Declaration of José Lucas before Portuguese Consul that he is sole owner.
8. Statement of wages paid to the crew.
9. Crew list.
10. Certificate of Spanish authorities respecting crew.
11. Certificate of Portuguese Consul of payment of fees.
12. Manifest.
13. Bill of health.
14. A certificate and nine Custom-house papers from Havana.
15. Sealed manifest and bills of lading certified by Portuguese Consul at Havana.

The captor's declaration is to the following effect:—

That being in latitude 6° 7' south, and longitude 12° 9' east of Greenwich, he seized the brigantine "*Laura*" for having violated the Treaty with Portugal of 3rd July, 1842;

That he had received in December an intimation from the Foreign Office that the "*Laura*" had changed owners at Havana, and might be looked for on a slaving voyage;

That having learnt that a suspicious brigantine had arrived in the Congo, he had on the 7th February despatched Lieutenant Farquharson to examine her;

That on receiving Lieutenant Farquharson's report he sent two boats to bring her to the anchorage of the ship, off Point Padrone;

That the brigantine was consequently brought down and anchored alongside the ship on the 13th of the same month;

That he then proceeded on board, and having examined the person calling himself master, the vessel, and the cargo, he determined to seize her, and send her before the Mixed Commission at Loanda;

That the papers seized are sufficient to prove her entitled to the flag she claims, Portuguese;

That no bond was produced such as is required by the Portuguese Government from vessels proceeding to the coast of Africa under their flag;

That although the vessel had cleared for St. Thomas, and her bills of lading made out for that island, she had not touched there, although she had been in the immediate neighbourhood, as shown by her chart, and she might there have obtained valid Portuguese papers had she been on a legal voyage;

That among her officers and crew not one appears to be a *bonâ fide* Portuguese subject;

That on Lieutenant Farquharson boarding her the first time on the 8th, no master made his appearance;

That when boarded and detained on the 11th, great difficulty was experienced in inducing him to come on board;

That when boarded and examined by captor, he represented himself as José Lucas, master and owner, but was proved, on being confronted with Lieutenant Allingham, of Her Majesty's ship "*Antelope*," and subsequently confessed himself to be a wholly different person, and by name Vital P. de Miranda;

That the cabin foremast bulkhead had been shifted aft 5 feet, and a flying deck built in the after part of the vessel, ventilated by a portion of the cabin skylight, as is frequently seen in slavers for the stowage of women and children, such alteration of the bulkhead and building of a flying deck not been noticed in any official document, and being in breach of the 2nd section of the IXth Article of the Treaty;

That no log-book was produced on demand.

The evidence of Vital P. de Miranda was to the effect that he had been requested by José Lucas, the owner and captain, who was ill on shore at Punta da Lenha, to take charge of the vessel after her capture. He could give no reason why the vessel had not touched at St. Thomas, beyond having been told by José Lucas that he expected to do better trade in the Congo. He admitted that he had been captured in 1850 when engaged in Slave Trade as Captain of the Brazilian brig "*Desengano*," but declared that he had never since embarked in speculations of that nature. He denied having had any connection with the "*Flor de Loanda*" or the "*Liberdade*."

The boatswain and cabin-boy were also examined for the defence, but their evidence had no immediate bearing on the case, beyond expressing their ignorance of the reason why the ship had not touched at St. Thomas, and that they did not know what had become of the log-book.

Vital P. de Miranda on being recalled, stated that the log-book was not in his possession; that on inquiring for it, he was told that it had gone on shore with the luggage of the first mate, who was also ill at Punta da Lenha.

In the session of the 3rd of March the Commissioners, at the request of the captor, appointed inspectors to

examine the charts, and report what was the nearest distance from St. Thomas that the "*Laura*" had passed, and on the 5th, the Commission then sitting, the Inspectors reported that she had passed within 200 miles; and the second mate being called and examined, declared that the chart produced was the one used on the voyage.

The Court met again on the 16th March, and appointed the following day to hear Counsel, and give Judgment; and on the 17th March, Counsel having been heard on behalf of the captor, and for the defence, the Court condemned the "*Laura*" as good and lawful prize, and ordered that she should be disposed of in conformity with the stipulations of the Treaty.

(Signed)

W. VREDENBURG.

Inclosure 2 in No. 73.

Judgment in the case of the Portuguese brigantine "Laura."

(Translation.)

IT is resolved by the Portuguese and British Mixed Commission, established in this city by virtue of the Treaty celebrated between Great Britain and Portugal for the suppression of the Slave Trade, signed at Lisbon on the 3rd July, 1842; considering the declarations and the annexed documents, it is shown by the declaration of capture, folio 38, that Anthony Hiley Hoskins, Commander in the British Navy, and commanding the English steamer of war "*Zebra*," being anchored with the ship under his command off Point Padrone, at the entrance of the River Zaire (Congo), captured on the 13th of February last the Portuguese brigantine "*Laura*," which was detained by a boat belonging to his ship on the 11th of the said month; the brigantine having entered the River Zaire, and was found anchored at Punta da Lenha; and that going on board and proceeding to a minute examination of the said vessel, he determined to bring her before this Commission to be tried for having violated the Treaty of the 3rd July, 1842, because on examining her papers he observed that the vessel had come from Havana, bringing a cargo for the Island of San Thomé (St. Thomas), and on looking at the chart of her route he observed that the brigantine had never touched at that island, although she had been in its immediate vicinity, when an opportunity presented itself of obtaining valid Portuguese papers, if she had been on a legal voyage; he, moreover, remarked that the person who called himself José Lucas, and said he was captain and owner of the vessel, on being recognized by Lieutenant Allingham, Commander of the steamer "*Antelope*," confessed that he was another person and that his name was Vital Pereira de Miranda; that he could produce no official log-book; and, finally, that the bulkhead before the cabin was moved abaft five feet, and a flying-deck built, ventilated by a portion of the skylight of the cabin, as is frequently seen in slave-ships for the stowage of women and children.

This declaration of capture is ratified on oath by the captor at folio 18.

In the deposition of Vital Pereira de Miranda, at folio 22 v., he declares that he was the representative of José Lucas, captain and owner of the "*Laura*," since she was captured, because the said Lucas was very ill on shore, and charged him by a letter of orders to come on board with the ship's papers on the occasion of her capture. He declares that the ship had left Havana bound to the Island of St. Thomas and a market, and went to the Zaire (Congo) before going to St. Thomas, because they thought they would do a better trade; he denies that he represented himself to the captain as José Lucas, captain and owner of the brigantine, but confesses that in 1850, being captain of the Brazilian brig "*Desengano*," he was taken by the English steamer "*Cyclops*" at Ambriz, and sent to St. Helena, for navigating without papers, with water and provisions, but that from that time till now he has never tried a speculation in the prohibited Traffic, and that that was the first and only time.

The depositions of the boatswain and cabin-boy have little influence in the case, either for the defence or prosecution; they are unanimous, nevertheless, in being ignorant of the reason why the brigantine neglected to go to St. Thomas and changed her voyage by coming to the River Zaire, and respecting the captain's remaining on shore ill, the former saying that he spoke to him on the day of the capture, and saw him seated on the side of his bed, and the latter that besides the captain the first mate, whose name was Florencio Fradua, also remained ill on shore.

All of which being seen and examined:

Considering that the brigantine "*Laura*," above referred to, came from Havana with a cargo of provisions, cleared exclusively for St. Thomas, and verifying by an examination of the chart, folio 46, that she passed 200 miles to windward of that island, where the cargo ought to have been examined and duties paid on it, did not touch there notwithstanding the difficulties of the longer voyage that she made to the River Zaire, without the defence showing the slightest reason for this deviation;

Considering that having neglected to go to the port of her legal destination, and finding herself anchored at Punta da Lenha where there are no authorities, she there discharged the whole of her cargo, with a trifling exception, without the slightest plausible reason being given for such a proceeding;

Considering that, on the occasion of the capture of this brigantine, there appeared neither mate nor captain, and that the excuse cannot be admitted that they were both ill on shore, because, as relates to the captain, the boatswain, in his deposition, folios 27 and 32, states that he saw him up at the side of his bed; and in the letter of instructions of the said captain, at folio 39, he says that "the brigantine '*Laura*,' his property and under his command, having been detained by an officer of the English navy, he delivers the command of the same to Captain Miranda, on account of the bad state of his health and other business that he had at that place." When it is certain that in all reverses and accidents the captain is always the last to abandon his ship; and that, finding himself unwell, he should not have lost the opportunity to avail himself of a passage in a steamer with a surgeon, which would have transported him to Loanda in a few hours, where he would with certainty have found all the resources necessary for his treatment, and which do not exist at the other place, and that no business more important and serious could interest him than the capture of a ship, his property and under his command;

Considering that, on the survey which was held on the ship, as appears in the auto at folio 40, the surveyors declare that they found a stove of such capacity that a boiler could be adapted to it, capable of cooking enough for 100 persons each time, which is a proof, according to No. 8, Article IX, of the Treaty of the 3rd of July, 1842;

Considering that, on the said survey, the surveyors found a flying deck before the cabin which had been recently augmented, having been removed, with the bulk-head, five feet abaft its original position, the consequence being the flying deck thus augmented became convenient to receive the women and children in order to separate them from the other slaves, the said flying deck or compartment being another of the proofs mentioned in the Treaty, Article IX, No. 2;

Considering that Captain Vital Pereira de Miranda, who was employed to represent the captain and owner of the brigantine, did not produce the official log of the same, and in his deposition, folio 22 to 25, confessed that

he was a slave-captain in 1850, but denying that he had entered into any other speculation in slaves, it is proved by the declaration of three English officers, folios 81 and 82, that they recognize him as a slave-dealer, captured by them again in 1862.

From all these circumstances, and others that appear in the autos, it is proved that the brigantine "*Laura*" was destined for the Traffic in Slaves, in contravention of the Treaty of the 3rd of July, 1842, between Portugal and Great Britain, for the suppression of the said Traffic: therefore the Commissioners of the Mixed Commission judge the capture legally made, and condemn her as a good prize, with all her equipments, cargo, and other objects found on board, and liable to the effects of confiscation, and order that the said brigantine shall be disposed of in conformity with the stipulations of the said Treaty. They also order that the individuals found on board the said brigantine "*Laura*" shall be placed at the disposal of the Governor-General of the province, for which object he interposes his legal authority, and desires that the order be obeyed.

Given and published in session of the Mixed Commission in St. Paul de Assumpção de Loanda, the 17th of March, 1863.

(Signed) JOSE BAPTISTA D'ANDRADE, *Governor-General.*
JOSE JULIO RODRIGUEZ, *Portuguese Commissioner.*

No. 74.

Her Majesty's Commissioner to Earl Russell.—(Received September 19.)

My Lord,

Loanda, July 31, 1863.

IT having come to my knowledge that the custom still continued of allowing negroes, to the number of ten, under the name of "libertos," and provided with passports granted by the Provincial Government, to be shipped at this port on board of vessels bound to the Island of St. Thomas, and such a proceeding appearing to me to be a violation of the assurance given by the Marques de Loulé to Mr. Herries, as stated by that gentleman in his despatch to your Lordship of the 1st September, 1862, a copy of which despatch was transmitted by your Lordship to Mr. Gabriel in your despatch of the 23rd September of last year, I addressed a despatch to the Governor-General calling his attention to the circumstances, and requesting to be informed whether he had received any instructions to the effect mentioned in Mr. Herries' despatch.

I have the honour to transmit a copy of my despatch to his Excellency, with a translation of his reply.

Your Lordship will observe that he states that, on taking charge of the Government of the Province, the most serious attention and exact fulfilment of the Treaty with Portugal were particularly recommended to him; that in consequence of that recommendation he had been most scrupulous in granting passports; that he refused them altogether to slaves, and granted them to liberated negroes ("libertos"), after taking special precautions that they should enjoy all the advantages of their position as free men.

I have had, also, more than one conversation with his Excellency on the subject. He repeated to me the substance of his despatch, and added, that his personal views were strongly opposed to the Slave Trade, and that he would spare no means of putting an end to it; but that, with respect to the liberated blacks whom he permitted to go to St. Thomas, he thought that their position would be much improved, and that, from the precautions he took, he considered that there was no probability of their being again reduced to slavery.

From my knowledge of the present Governor-General, I am bound to state that I am satisfied that he is acting in good faith; but I am far from feeling satisfied that his precautions will attain the end he proposes.

I know nothing of the present Governor of St. Thomas, and would therefore not be justified in assuming that he will be neglectful of his duties; but it is certain that it is thought here that many of those libertos are sold and enslaved again on their arrival at that island. As long as these blacks are shipped as freemen I am afraid the authorities are within the letter of the Treaty, however much they may violate its spirit, and the only way to put a final stop to these proceedings would be for the Portuguese Government to carry out in its integrity the Marques de Loulé's assurances to Mr. Herries, "that effectual measures had been taken to put a stop to the practice complained of;" and that "any connivance at this Traffic would no longer be permitted."

I have, &c.
(Signed) W. VREDENBURG.

Inclosure 1 in No. 74.

Her Majesty's Commissioner to the Governor-General of the Province of Angola.

Most Excellent Sir,

Loanda, June 3, 1863.

IN a despatch addressed on the 23rd of last September by Her Majesty's Secretary of State for Foreign Affairs to Her Majesty's late Commissioner, Mr. Gabriel, it is stated that a despatch had been received from Her Majesty's Chargé d'Affaires at Lisbon, to the effect that he had been informed by the Marquis de Loulé that the Portuguese Government had taken effectual measures to prohibit the exportation of negroes from this Province to the Island of San Thomé.

Notwithstanding this assurance, I have learnt with regret that on the 12th of April the steamer "Dona Antonia" left this port with 10 so-called libertos on board.

On the 13th of last month the schooner "*Paquete de Mossamedes*" left with 10 also on board; and I have since been informed by the Commander of Her Majesty's ship "Griffon" that he visited the "Nini," bound also to San Thomé from this port, and found 12 on board, provided with passports from the Provincial Government.

I should feel obliged by your Excellency acquainting me, for the information of my Government, whether any orders have been received from the Government of His Most Faithful Majesty of the nature mentioned in the despatch of Mr. Herries above referred to.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure 2 in No. 74.

The Governor-General of the Province of Angola to Her Majesty's Commissioner.

(Translation.)

Illustrious Sir,

Palace of the General Government, Loanda, June 5, 1863.

I HAVE to acknowledge the receipt of the despatch which you addressed to me on the 3rd instant, and in reply I have to inform you that the most serious attention and exact fulfilment of the Treaty of the 3rd of July, 1842, for the suppression of the Slave Trade, were particularly recommended to me by the Government of His Most Faithful Majesty when I came to take charge of this Government. I have, in consequence of that recommendation, been perhaps over-scrupulous in granting passports to blacks for the Island of St. Thomas, since I have only permitted to go in the condition of libertos a number equal and in the circumstances which the Treaty permits in the case of slaves; and besides declaring in the passports of the 10 blacks their condition of libertos, I have addressed a special despatch to the Governor of that Province, calling his attention to their going in the above-mentioned condition, so that they cannot fail to enjoy before the law the immense difference and advantage which they will possess over slaves.

With respect to the schooner "Nini," I have to inform you that I granted passports by her for the Island of St. Thomas to a colonist who took with him 10 libertos, after having fulfilled the legal formalities, and also to another European passenger. I am not aware, beyond these above referred to, that there were in that vessel any other passengers.

If, as you say, 12 blacks were found on board that schooner, I must think that they were not all provided with passports; it being, nevertheless, the fact that occasions have happened when 12 blacks have gone hence to St. Thomas in the same vessel, that is, 10 in the condition of libertos accompanying some colonist, and 2 as free blacks provided with passports which they had requested under circumstances which I could not refuse them, otherwise many authorities of the country would be prevented from leaving the place if their colour were an obstacle to their travelling.

In conclusion, I have to state that it will be very agreeable to me if this frank explanation gives you some satisfaction.

God preserve, &c.

(Signed) JOSE BAPTISTA D'ANDRADE.

No. 75.

Her Majesty's Commissioner to Earl Russell.—(Received October 22.)

My Lord,

Loanda, August 22, 1863.

FROM information courteously communicated to me by Commander Hoskins, Senior Officer of the South Division, I am enabled to report to your Lordship that on the 12th instant Commander Sholto Douglas, of Her Majesty's ship "Espoir," captured, off Masséra, a brigantine having on board about 550 slaves shipped two or three days before in the neighbourhood of that place.

From documents found on board, her name is supposed to be the "*Haidee*," and that she came from Lisbon and Cadiz; and although they denied the fact, the crew were evidently Portuguese. The captain mentioned that he had effected his escape last year with a cargo of slaves from about the same place. The circumstance of two or three of the slaves speaking a little English would point to Ambrizette as the place whence they were marched to the place of shipment.

The slaves being excessively crowded, and the slave-deck unusually small and confined, Commander Douglas removed into the "Espoir" 110 of them, he being bound to St. Helena, to which place he also sent the slaver with a prize-crew.

I have, &c.
(Signed) W. VREDENBURG.

No. 76.

Her Majesty's Commissioner to Earl Russell.—(Received October 22.)

My Lord,

Loanda, August 24, 1863.

THE illness of Mr. Gabriel, and his lamented death so soon after the termination of the case of the launch "E," prevented his leaving any abstract or notes to assist me in preparing a report on that case; and as I was in total ignorance of the facts I have been obliged to depend entirely for materials on the confused and voluminous mass of papers filed in the cause. The report which I have now the honour to transmit will, in consequence of these circumstances, be found, I fear, neither as clear nor concise as I should desire.

The two Portuguese passengers and the crew of the launch were committed to prison on their arrival, and subsequently brought to trial, but Mr. Hewett informs me that he had heard that they had been acquitted for want of evidence.

I have, &c.

(Signed) W. VREDENBURG.

Inclosure 1 in No. 76.

Report on the case of the Portuguese launch "E."

THE launch "E" was detained by Commander Sholto Douglas, of Her Majesty's ship "Espoir," on the 2nd of November, 1862, about twelve miles south of Mangue Grande, on suspicion of being engaged in the Slave Trade, and brought by him to this port to be tried by the Mixed Commission, in conformity with the Treaty of July 1842. The captor's declaration of capture, to the truth of which he was sworn on the 7th of November, is to the following effect:—

"I, the Undersigned, Sholto Douglas, holding the rank of Commander in Her Britannic Majesty's Navy, and commanding Her Majesty's ship 'Espoir,' duly authorized by the Treaty between Great Britain and Portugal, dated July 1842, for the suppression of Slave Trade, do hereby declare that on the 2nd day of November, 1862, being about twelve miles south of Mangue Grande, I seized the launch 'E,' sailing under Portuguese colours, manned by a crew of nine Cabendas, and having on board two Europeans, one of whom, Manoel Martins Barboza, declared himself to be the owner, and the other, Francisco A. P. de Lemos, stated he was a passenger, and the owner of the cargo.

"And I further declare that I have detained this launch for having violated the aforesaid Treaty, she having on board at the time of capture 5 slaves, 3 female and 2 male, without passport or any other document to show where or for what purpose they had been received on board, although, as alleged by the crew, they had been received on board in the River Congo a few days previously.

"And also for having on board at the time of seizure, 1st, an extraordinary quantity of food, and more than could be sufficient for the use of the crew, consisting of calavances, farinha, and ground-nuts, the same not being entered on a manifest or any other document as part of the cargo for trade; 2ndly, a quantity of mats, much larger than is necessary for the use of the crew of the launch.

"I do further declare that this launch when first observed made every effort to escape from the 'Espoir,' and that although when detained and brought alongside the owner stated that he was bound to Loanda, there is strong reason to suppose, from the course which she was steering at the time as well as her subsequent manœuvres, and also from letters found on board, that she was making for the notorious slave-station Mangue Grande.

"Declared and signed by me, this second day of November, 1862.

(Signed) "SHOLTO DOUGLAS, Commanding Her Majesty's ship 'Espoir.'"

The papers found on board were very voluminous, but few of them, however, had any bearing on the case. They consisted of—

1. Passport from General Government of Angola, dated 28th January, 1859.
2. Certificate of measurement, dated 26th January, 1859.
3. List of crew, dated Benguela, 3rd July, 1862.
4. Certificate of bond entered into at Custom-house, Benguela, on 8th November, 1861, by Robella and Cardozo, owners of launch "E."
5. Pass from General Government of Loanda, dated 18th October, 1862, for the River Congo.
6. Custom-house despatch for Congo, dated Loanda, 18th October, 1862.
- 7 to 158 inclusive, various letters and papers.
- 159 to 166 inclusive, sealed letters for Loanda.
- 167 to 197 inclusive, various letters and papers.

A large amount of money was also found on board, consisting of:—

In Gold—

- 151 doubloons.
- 109 half-doubloons.
- 33 100-reals, Spanish.
- 215 sovereigns, English.
- 53 half-sovereigns, English.
- 10 20-francs, French.
- 3 10-francs, French.
- 10 5-francs, French.
- 1 20-dollars, American.
- 1 2½-dollars, American.

In Silver—

- 77 5-franc pieces, French.
- 2 50-centimes pieces, French.
- 1 1-franc piece, French.
- 1 French coin.
- 13 half-crowns, English.
- 88 florins, English.
- 71 shillings, English.
- 36 sixpences, English.
- 6 three-pences, English.
- 1 dollar, Mexican

In Silver—

- 7 half-dollars, American.
- 16 quarter-dollars, American.
- 19 dimes, American.
- 2 half-dimes, American.
- 6 half-dollars, Spanish.
- 1 10-reals, Spanish.

- 8 100-reis, Portuguese.
- 6 4-reis, Portuguese.
- 1 Sardinian coin.

In Copper—

- 61 coins, Portuguese.

In Paper—

- 5 1-milreis notes.
- 4 5-milreis notes.

And the cargo, &c., was composed of:—

- 3 water-casks.
- 116 bags of ground nuts.
- 4 bags of calavances.
- 2 bags of farinha.
- 1 carboy of farinha.
- 1 basket of rice.
- 1 basket of dried fish.
- 1 case of preserved meats.
- 2 casks of palm oil.
- 1 cask of tar.

- 29 grass mats.
- 1 small bundle of mats.
- 10 cooking utensils.
- 1 cow-hide.
- 1 hide whip.
- 5 muskets.
- 1 pistol.
- 1 revolving rifle.
- 1 bale containing 19 pieces of cotton goods.
- 1 bale of white diaper.

Finally, besides the crew and 2 European passengers, 5 blacks unprovided with passports, 3 of whom were females and 2 males, were discovered on board.

The register was granted by the Provincial Government in January, 1859, to Messrs. Rabella and Cardozo of Benguela. They signed the bond mentioned among the papers on the 8th November, 1861. Senhor Martins Barboza, one of the passengers who declared that the launch was in his possession, as agent of the owners, had some time previously applied to the Governor-General for a passport for himself and two free blacks; failing to satisfy the Governor that the blacks were really free, the passport as requested was refused, and one granted to him alone; he did not hesitate however to falsify the passport, and inserted after the word "levando," the words "duas pretas livres."

Proceedings were commenced on the 7th November, on which day Commander Sholto Douglas, the captor, was sworn to the truth of his declaration. On the following day he was examined orally, and cross-examined by the advocate of the defendants, and on the 10th the witnesses for the defence were submitted to examination.

José Cabinda stated that he was the Master of the launch "*E*," that he left the River Congo on the 30th October bound to Loanda, and that three days after, opposite Maculla in sight of land, he was taken by the boat of an English steamer and conveyed on board; that on the demand of the Commander he delivered to him the papers of the launch, and she was taken in tow by the steamer.

He further stated that he used the Portuguese flag, and that the cargo consisted of about 100 bags of ground-nuts, $1\frac{1}{2}$ pipes of oil, 300 billets of wood, and water enough only for the use of the crew; that he brought 7 passengers, 2 being white (Portuguese) and 5 blacks, all of whom were received on board in the River Congo, and that he presumed that the blacks were free; that the launch was uncovered, and that they had on board neither planks, gratings, shackles, nor mess-tubs nor kids, beyond those necessary for the use of the crew; that he brought no regular mats, but a small number of fine mats; that he had but a small stove for the use of the crew; and that Martins Barboza, the passenger, was owner. That, besides the articles mentioned above, he had two small bags of beans for the mess of the crew.

The evidence of the boatswain ("contramestre"), José da Silva, was in every respect similar to the foregoing, with the exception of his deposing that the black passengers were sent on board by a person named Oliveira, residing in the Congo, who did not mention to whom they were to be delivered. They were treated as free persons on board, and messed with the crew.

On the 11th November the examination of the witnesses for the defence was continued, and Manoel Martins Barboza deposed that he was a native of Elvas and a merchant at Loanda; that the cause of his being in prison was as follows: That he left the River Congo on the 29th of last month, at 7 o'clock in the morning, and had arrived about twelve or fifteen miles to the southward of Mangue Grande, when they saw an English steamer, which dispatched a boat in the direction of the launch on which he was aboard; that he was taken on board the steamer, half the cargo on board the launch being also taken on board the steamer, as well as the trunks and luggage of the passengers; that, the trunks having been opened by the passengers, the papers contained in them were delivered to the Commander of the steamer, the money replaced in the trunks, which were locked by the passengers; that on leaving the Congo his destination was Loanda, touching at Ambriz for the purpose of delivering there three small bags of beans to a person named Leopoldo, but in consequence of the seizure of the launch he was unable to call at Ambriz.

He further stated that the cargo consisted of 100 and odd sacks of ground nuts, about $1\frac{1}{2}$ pipes of oil, 3 small bags of beans above-mentioned, and about 300 billets of wood; that the crew consisted of 9 Cabendas, including the master, and that he brought 7 passengers, 2 being white Portuguese, and 5 free blacks; that the launch belonged to Antonio da Cunha Mello Cardozo, captain of the Portuguese brig "*Fortuna*," but that she was in his possession under power of attorney from the owner to sell her or make use of her as he thought proper; and that beyond the before-mentioned articles she had not on board either planks, chains, handcuffs, gratings, mess-tubs, or kids; that they had so little water on board that there was scarcely sufficient for seven days' use.

He stated further, that of the three women that he took with him on another occasion to the Congo, two of them figure in the present proceedings, having left the third at Mangue Grande on the occasion referred to; that the two women, wishing to return to Loanda, asked for a passage, which he gave them gratis, and that he also gave passages to the other passengers; that the launch in which he had lately embarked, taking three black women with him, was the "*Luiza*," then belonged to him, but he sold it to a Dutchman in the Congo.

In answer to the advocate of the captor, he deposed that there was also among the cargo a lot of coloured mats received on board at the Congo to be delivered at Loanda to a clerk of José Bernardo da Silva.

In reply to the advocate for the defence, he stated that some sealed letters were opened on board the steamer by an officer in the presence of the Commander; that it was usual for blacks to go hence to the Congo to enter into service; that it was not usual for slaves to go from Loanda to the Congo.

Maïena, an uncivilized negro ("negro boçal"), was called for examination; he did not understand a word of Portuguese, and the examination was attempted by means of an interpreter; he said that he was free, but was bought by a white man in Bomba, who sent him to Loanda; that he did not know the name of the white man, and as he was a slave he could not ask the name of his purchaser. The Tribunal seeing the repugnance of this witness to answer questions declined to examine him further.

João Antonio, native of Colungo Alto, deposed that he was free; that he had been in the service of a person named Monteiro, residing in Moanda, who arranged for his passage, paying in merchandize, the value of which was deducted from deponent's wages; that he embarked at Bemana; that he had formerly been the slave of the deceased Victor Antonio, who gave him his freedom.

Francisco Antonio Pereira de Lemos, native of Barrosas, merchant, deposed to the following effect:—That coming from the Congo in the launch "*E*," about six leagues from Mangue Grande, they saw an English steamer, from which a boat was sent to the launch, with orders to the master to go on board the steamer; that a portion of the cargo of the launch was taken on board the steamer, as well as the trunks and luggage of the passengers; that the trunks were opened, and the papers and correspondence taken out of them, and some of the sealed letters opened; that they were opened by an officer, in the presence of the Commander, and taken to the cabin; that the search was made in the presence of the passengers, who delivered the keys to the Commander, at his request; that the money was taken out of the trunks, but was replaced; that the trunks were more minutely searched again at Loanda; that they again took out the money, which was counted by three or four officers, and kept by them; that the launch used the Portuguese flag, and the crew consisted of 9 Cabendas, including the master, and the passengers were 5 blacks and 2 white Portuguese, one of whom was the deponent; that Manoel Martins Barboza made use of the launch under a power of attorney from the owner; that the cargo which she brought was composed of two barrels of oil, a hundred and odd bags of ground nuts, a barrel of tar, a bale of prints, a piece of white towelling, and three bags of beans, to be delivered to Senhor Leopoldo at Ambriz, a bale of painted mats from Cabenda in a roll, some Cabenda baskets, with ivory dolls, to be delivered to Senhor Vincente, Clerk of José Bernardo da Silva, and some wood for house use, probably about 400 billets; that the launch had on board neither planks, shackles, bolts, nor handcuffs, nor mess-tubs, nor kids and was provided with so little water that two days after her capture they were supplied by the ship of the captor; that the black passengers were all free; that they embarked at Punta da Lenha, in the Congo, and that the black cook João, now free, had formerly been a slave of Senhor Martins or his father, and that in deponent's presence he requested Senhor Martins to give him a passage to Loanda, to which he acceded. He further deposed that a portion of the money, to the amount of two contos, a hundred and odd milreis, was delivered to him in Banana by Abraham Conqu ainé, Agent of the French house of Messrs. Régis, for delivery to divers persons in this city, and the other portion was confided to him by sundry persons in the Congo, for delivery to different persons in Loanda. He stated that it was usual for free blacks, male and female, to go from Loanda to the Congo to serve in different capacities, and that many free negroes were there in the service of white carpenters, caulkers, &c.; that he left Loanda on the 28th September in the brig "*Julia*," to trade in goods that he took with him, as will be shown by the bills of lading among the captured papers.

João Antonio having been recalled, said that he had no paper proving him to be free, that he had been in possession of a letter of freedom, which he had given to his godmother Maria Antonia, to take care of; that she had died, and that he did not know what had become of it.

In the Session of the 13th November, 7 Cabendas forming the crew were called before the Commissioners and gave their names, and an order was issued for a survey of the launch, and the effects found on board.

The Commissioners then took into consideration a despatch from the French Consular Agent claiming the money found on board, on the ground that it was the property of a French subject, Abraham Conqu ainé, and alleging that the money could not be considered among the suspected articles found on board; they determined that the despatch should be attached to the papers in the cause to be taken into consideration; they further determined that eight sealed letters that had been filed by the captor should be opened on the following day, the persons to whom they were addressed being summoned to attend.

On the 14th November the Court again met on Session, two of the persons to whom the letters were addressed being in attendance, who handed in protests on the ground that the opening of sealed letters was illegal, and in violation of the Constitutional Charter of the Portuguese Monarchy and of the laws of civilized nations, all of which guaranteed the secrecy of letters, and established penalties for their infraction.

The Court taking into consideration the 3rd and 9th Articles of Annex B of the Treaty declined to admit the protest, and decided that the letters should be opened. They revealed nothing of importance bearing on the case.

In the Session of the 18th November it was determined that all the documents in the suit should be sent for five days to the respective Advocates, and in the Session of the 24th it was decided that they should be heard on the 26th of the same month, and the Advocates for the prosecution and the defence having been heard on that day, the Commissioners declared that judgment would be given on the 29th, and on that day they condemned the vessel as good prize, and directed that she should be disposed of in conformity with the Treaty. A translation of the Judgment is annexed hereto.

Loanda, August 24, 1863.

(Signed)

W. VREDENBURG.

Inclosure 2 in No. 76.

Judgment in the case of the Portuguese launch "E."

(Translation.)

ON consideration of the facts, and of the documents produced before this Court on the occasion of the capture of the launch "*E*" by Her Britannic Majesty's ship "*Espoir*," Commander Sholto Douglas, which form the base of the process, it will be seen that the above-mentioned launch, sailing under the Portuguese flag, was provided with papers granted by the Governor-General of this province in 1859 in the names of Rebello and Cardozo, of Benguela, as owners of her.

By the declaration of capture, at folio 7, Manoel Martins Barboza, passenger on board the said launch, appears as claiming her as his own, and to prove his claim rests himself on the documents at folios 1 and 2 of the Appendix No. 2: being, 1st, a letter of instructions of a stranger authorizing him to sell that craft, or to employ her as he thought proper; and, 2ndly, a power of attorney, which, for want of being signed, is considered a document null and of no effect—a circumstance which the Court cannot but remark proves great irregularity and negligence on the part of the Notary of this city, Antonio Maria Lazary, who subscribed the said power. This claim of property on the part of M. M. Barboza is further supported by his deposition at folio 59, and by the evidence of the witnesses at folios 54 to 57 inclusive.

By the declaration of capture it appears that the launch was seen by Her Britannic Majesty's ship "*Espoir*" on the 2nd of November, about twelve miles' distance from Mangue Grande, under sail, steering a north-east course; and when she chased her she took to her oars, and advancing, continued under sail and with her oars, which causing suspicion on the part of the Commander, induced him to visit her. That he then found out that she had on board, besides her crew, 2 white men and 5 negroes (of whom 3 were females), none of whom

were provided with passports or any other document which could show where or for what purpose they had embarked; and that on an examination, by order of the Commander, of the cargo of this launch, an extraordinary quantity of provisions was discovered, consisting of beans, farinha, and ground-nuts, no document being brought forward which could show that these articles were intended for legal trade; and that it was these irregularities and suspicions which determined him to seize the craft and to bring her before the Court for adjudication.

It is alleged in defence that the launch did not, when being chased, set more sail, and to support this argument the declaration on oath of the captor is referred to; and, further, it is denied that those negroes found on board the launch were slaves, bringing forward as a proof the certificate of the letter of freedom of a negress named Carolina. In the evidence of M. M. Barboza, folio 59, he declares that all those negroes were free, and that at their request he had allowed them a free passage to Loanda. That the bags of beans came for delivery to Leopoldo, of Ambriz, and that the fine mats were an order for Loanda. In the evidence of Francisco Antonio Pereira de Lemos, it is stated that the negroes were all free, and passengers embarked at Punta da Lenha (River Congo) for Loanda, and that among them there being one of the name of João, a cook, who had been a slave of M. M. Barboza, or of his father, he (João), in the presence of the deponent, asked the said M. M. Barbosa for a passage, which he gave him gratis. In his evidence at folio 61, the witness João Antonio, the cook, declares that he was at Moanda, near Cabenda, in the service of F. Monteiro, who arranged his passage with the patrão of the launch, and that he embarked at a place called Punta de Banana, his passage being paid by the said Monteiro with goods, the value of which was deducted from his wages. Being questioned as to his letter of freedom, he answered that having left it in the hands of somebody in Loanda, who is now dead, he was unable to produce it. In the evidence of the Cabenda, the patrão of the launch, folio 55, it is said that these negroes were free as he presumed, and in the evidence of the Cabenda, José da Silva, the boatswain ("contramestre") at folio 56, he said that the negroes were free, judging from what he had heard said of them. In the evidence of Maiana, the uncivilized negro ("boçal") at folio 60, he declared, after much trouble, that he was free, and immediately afterwards that he was bought at Boma, and embarked for Loanda by a white man whom he did not know, for being a slave he could not ask the name of the purchaser, this witness showing a very great reluctance to answer the questions put to him. Another of the negro passengers included among the number was a child of about 8 years old, but could not say anything to enlighten the Court as to her condition.

By the Report of Survey, at folios 74 to 77, there were found on board the launch "E" 2 bags and 1 demi-john, containing a little more than 3 cazingueis of farinha, 4 bags, with 7 cazingueis of beans more or less, 116 bags of ground nuts, in all about 200 cazingueis, 2 casks with 90 gallons of palm oil, 600 sticks of firewood, and a few mats. No other article mentioned in Article IX of the Treaty was found on board. The Court, without taking upon itself to decide whether these articles should or should not be considered as coming within the IXth Article, paragraphs 8 and 9, of the Treaty, cannot in any way neglect to take into consideration the absence of manifest or document of any kind to show the legal purpose for which they were destined, which, together with other circumstances which cause a doubt as to the object of her voyage, leads to grave suspicions with regard to their intended application. After the register of the ship, one of the papers of the greatest importance is the manifest of the cargo. It is of great importance to every ship to show the legality of the commerce in which she is engaged, and, when proceeding to ports on the coast where there are no constituted authorities, to be able to show a document similar, mentioning the shipper and consignee, and specifying all the articles on board, where received and whither going. This practice has been followed in other cases submitted to this Court, as, for instance, in the case of the cutter "*Mist*," released in 1860. It is possible that such a document can be dispensed with in crafts which belong to and are exclusively manned by indigenous Africans bringing articles to this province coming from ports where there are no authorities; but when such cargo consists of objects mentioned in the IXth Article of the Treaty, and the craft which takes them, whether under the Portuguese or English flag, is the property of a European, and being a European the chief consignee, in such a case the non-existence of such a document, even when the same has been dispensed with by the Custom-house at Loanda (a question which the Court cannot enter into) becomes not only illegal, but a practice of such a nature cannot be admitted on account of the frauds which might occur, and the suspicions which would naturally be caused. The same reflections can be made with regard to crew lists on account of irregularities which are so frequently seen, as is alleged by the defence.

In the written allegations for the defence, when it is contested that the launch endeavoured to avoid the steamer "*Espoir*," reference is made to the declaration on oath of the captor without regard to the fact that in the ratification of that declaration it is clearly explained that she did not set more sail because she had no more sail to set, but that she made use of her oars, and thus endeavoured to avoid meeting the said cruiser.

In the evidence of M. M. Barboza, at folio 59, it appears that of the three negroes whom he had before taken to the Congo in the launch "*Luiza*," two are those who appear in this process, whom he was bringing back in the captured launch, having left one at Mangue Grande on his voyage to the north, and by the certificate, at folios 78 to 80, it is shown that the passport granted by the General Government of this province to M. M. Barboza for that voyage, which is embodied in Appendix I, at folio 1, was falsified, the words "*levando duas pretas livres*" (taking two free negroes) having been added.

In the evidence of Francisco Antonio Pereira de Lemos, folio 63, he says that with regard to the money which was taken from him, 2 contos 100 and odd milreis, it was entrusted to him at Banana by Abraham Conquy ainé, a French subject, to be delivered in this city to different persons, the deponent not being able to state the exact amount. This declaration of the person in whose charge it actually was, and who was entrusted with that amount for delivery to different persons, is in contradiction to the claim (Appendix 5) of João Osmundo Toulson, merchant of this city, and of which the document treats (folio 65) who comes forward to claim on behalf of Abraham Conquy ainé; that he (Conquy) sent the whole of this amount to him, supporting his claim by a letter from the said Conquy, received before the arrival of the launch "*E*" at Loanda, in which he advises him of the remittance of 2 contos and odd milreis by the above-mentioned Lemos, and per said launch, but it is certain that these advices are not written in precise language, but conditional, depending on the day on which the said launch left that place, for which reason the evidence of the bearer Lemos is more probable and credible; that the 2 contos and odd milreis were for different people, and are not those of which the claimant speaks, and which were addressed to him alone.

In the allegations on behalf of the defence it is urged that certain irregularities, attributed to the cruiser, in this seizure, should be taken into consideration for the restitution of the launch. The Court is of opinion that it should not admit the principle that such imputations, just or unjust, can invalidate all the other grounds of the seizure; it being clearly expressed, in Article VIII of the Treaty, that when any interested party has reason to complain or appeal against any deviation from the stipulations of the said Treaty, his Government can seek reparation.

In the same allegations the Counsel for the defence brings forward the circumstance of many cases of disembarkation, at the Custom-house here, of negroes in a similar condition as those met with on board the launch

"*E*." The Decree of the 10th December, 1856, prohibits the importation of slaves by sea under any pretext whatever. It not being, however, within the functions of this Court to take cognizance of infractions of the Decree referred to, it abstains from giving any opinion at all on that point.

The Commissioners of this Mixed Commission, after having maturely considered all the arguments and documents, both on behalf of the accusation and the defence, and considering that the witness M. M. Barboza, although at folio 59 said that Antonio da Cunha Mello Cardozo was the owner of the launch, immediately after which evidence, folio 69, he declares himself owner of her, and interferes as such from the commencement, and producing then the letter of instructions and power of attorney appended to this cause, in order to prove his right.

In the face of all these contradictions, and of the fact that not a single paper was found which proves the transfer of the ownership of this craft, they (the Commissioners) cannot recognize as the real owners of her any but Rebello and Cardozo, of Benguela, in whose names the papers are made out. Considering that the falsification of the passport alluded to is proved by the document at folios 79 and 80, by which is shown that M. M. Barboza having asked the Governor-General of this province on the 26th of September last for a passport to go in the launch "*Luiza*" to the Congo, taking with him two free negresses, the said Governor refused his request as far as concerned them (the women), because he did not prove their freedom; and that the same Barboza, not having succeeded in illuding the vigilance and caution of the first authority of the province, altered the passport which had been granted to him alone, by adding in the same after the word "*levando*" the words "*duas pretas livres*," which were written above the dashes which fill and render useless the space which remained unwritten on—a fact very unfavourable, and which destroys the defence; but, however, as this Court cannot claim to take cognizance of the degree of criminality, it recognizes, from the direct influence which it has in favour of the grounds of seizure of the launch "*E*," in which the said Barboza was returning, especially that he left at Mangue Grande one of the two negresses whom he took away so irregularly with him for the Congo as he declares in his evidence at folio 59, without a sufficient explanation of the capacity in which he left her, being naturally presumed that he sold her, seeing the expedient by which he took her away, and the proposal to buy which is seen in the document No. 193 of Appendix I.

Considering that of the two negroes found on board, one of them is a negro who, although more than 14 years old, is uncivilized and without a will of his own, the other a child of 8 years, and, as such, without capacity to regulate its life, and that thus one cannot believe that they themselves asked M. M. Barboza for a passage to Loanda on board the launch "*E*;" considering besides that no other paper of a legal character was put in to prove that those negroes were in a free state, and, at the same time, as the proofs are all of a contrary tendency; considering, moreover, the discredit which attaches to the evidence and allegations trying to prove the free condition of these negroes found on board the launch "*E*," it follows clearly that there was a hidden intention which the thread of contradictions and divergences which may be found among the autos was sought to conceal. On all these grounds, and further proofs which exist in the autos, the Commissioners of the Mixed Commission adjudge that the launch "*E*" was legally detained, and the negroes on board the same having been embarked in evident contravention of Article I of the Treaty of the 3rd July, 1842, celebrated between Portugal and Great Britain for the suppression of the Slave Trade, condemn her as good prize, with all her equipments, cargo, and valuables comprised in her and found on board, of what kind soever they may be, for all the effects of confiscation to which by virtue of the said Treaty it became liable, and order that the said launch be disposed of in conformity with the stipulations of the said Treaty. Further, they order that all the people found on board of the launch "*E*," be placed at the disposal of their Government, and that the 5 slaves be granted letters of freedom according as Article VI of Annex B of the said Treaty directs; for which end they interpose their legal authority, and order that such shall be done.

Given and published in session of the Mixed Commission in St. Paul of the Assumption of Loanda, the 29th day of November, 1862.

(Signed) JOSE JULIO RODRIGUEZ.
EDMUND GABRIEL.

No. 77.

Her Majesty's Commissioner to Earl Russell.—(Received December 30.)

My Lord,

Loanda, October 31, 1863.

I HAVE the honour to transmit my Report on the Slave Trade, made up to the 30th September, in obedience to the instructions conveyed in your Lordship's despatch of the 18th June, 1860.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 77.

Annual Report by Her Majesty's Commissioner.

THE slave-traders at the beginning of last October commenced their proceedings with their usual audacity and activity, but they were met with equal energy and activity by the Commanders of Her Majesty's cruisers, as the following list of vessels captured will show:—

Barque (name unknown) 3rd October, 1862; "*Zebra*."
Launch "*E*," 2nd November, 1862; "*Espoir*."
"*Liberdade*," 20th November, 1862; "*Zebra*."
Launch, 90 slaves, 20th November, 1862; "*Zebra*."
"*Lola Montes*," 25th November, 1862; "*Antelope*."
"*Island Queen*," 28th December, 1862; "*Wrangler*."
"*Venus*," 29th January, 1863; "*Antelope*."
"*Bella Augusta*," 10th February, 1863; "*Brisk*."
"*Laura*," 13th February, 1863; "*Zebra*."
"*Mariquita*," 473 slaves, 17th March, 1863; "*Zebra*."
"*Haidée*," 12th August, 1863; "*Espoir*."

The result of these energetic measures was most gratifying and satisfactory. The slave-traders were by their serious losses completely paralyzed, they found themselves without ships and without funds, and the Commodore

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informed me that when he visited the Congo in September there was not a vessel in the river. The Treaty with the United States, granting the right of search within certain limits, has compelled the Portuguese slave-traders to hoist the flag of their own nation. The vessels captured with slaves on board, resorted to the usual practice of destroying all proofs of nationality, but three ships were captured under the Portuguese colors and brought for adjudication before the Mixed Commission established in this city. Two of them, the launch "*E*" and the "*Laura*," were condemned as good prizes, and the "*Venus*," would probably have shared the same fate had she been captured after the "*Laura*," or had she been permitted by Lieutenant Allingham to enter the Congo before he detained her. The case was nearly identical with that of the "*Laura*;" they had both cleared from the Havana under a provisional register granted by the Portuguese Consul, both cleared for and were ostensibly bound to the Island of St. Thomas, neither touched there, and the "*Laura*" had absolutely entered the Congo, where she was captured, and that river was doubtless also the destination of the "*Venus*." The latter vessel had been released and her papers returned to the master before my arrival; I had consequently no opportunity of examining them, but there are strong grounds for suspecting that some of them were false. There is little or no doubt that the "*Venus*" was on a slave-trading voyage, and the Governor-General also arrived at that conclusion, he having compelled her to discharge her crew, and ship a fresh one; he also refused her a clearance for any point on the coast, and obliged her to go direct to Lisbon. There appear to have been some discrepancies and contradictions in the evidence, and Lieutenant Allingham, the captor, says that his evidence was misunderstood; but as Lieutenant Costa Cabral, who served for nine years in the Royal Navy of England, though at present in the Portuguese service, acted as interpreter, the misunderstanding could scarcely have arisen from misinterpretation. In March, a brig or barque escaped from Longibonda, with 800 or 900 slaves. With that exception (as far as I can ascertain) no vessel with slaves has got away between Loanda and Cape Lopez.

It is by no means easy to obtain information respecting the movements of the slave-traders to the southward of this port. The "*Island Queen*," captured on the 28th December by Her Majesty's ship "*Wrangler*," and sent to St. Helena for adjudication, was fitted out for the Slave Trade, and was, when taken, waiting for her cargo to be ready for shipment from the vicinity of Equimina. Towards the end of April, the "*Chefe*" of Novo Redondo apprehended 79 negroes who were being conveyed by land towards Quicombo, with the object (as he suspected) of embarking them in that neighbourhood. In my despatch of the 20th May I reported erroneously that they had been captured in a launch. Two white men have been imprisoned for being concerned in this transaction, and are to be brought to trial.

There are strong grounds for suspecting that cargoes are still occasionally shipped to the southward, and great as is the necessity for a strong division of the squadron being employed on the more important coast—the neighbourhood of the Congo, it would, I think, be advantageous to have a vessel constantly cruising to the southward. Since my arrival at the beginning of April, two cruisers only have been stationed on the South Coast. The "*Torch*" was sent down towards the middle of the month of May; she was relieved by the "*Griffon*" in June, and that vessel remained on that coast till the middle of August. Since that period no vessel has been stationed to the southward of this port. The coast nevertheless has been occasionally visited by Her Majesty's ships bound hence to St. Helena.

With the exception of the launch "*E*," I have been unable to ascertain that the inhabitants of this city had any direct pecuniary interest in the captured vessels. This is due, not to want of sympathy with the slave-traders, whom they continue to supply with the articles necessary to enable them to continue their inhuman speculations, nor is it due to any disinclination to engage in slave-trading, but to the serious losses that they have sustained from capture, and consequent want of funds, to the determination of the Governor-General and the Portuguese Government to put an end to the Slave Trade, and principally to the important trade which has sprung up in the province. Cotton has during the last two years been planted in large quantities, valuable copper-mines have been opened and are being worked, and there is a large exportation of palm oil and ground nuts. So profitable are trading operations that persons who formerly obtained an unenviable notoriety as slave-traders appear now to be engaged in agriculture and legitimate trade. Nevertheless, as the traffic in human flesh, when it can be carried on with a reasonable chance of success, is still the most remunerative, there can be but little doubt that these persons would commence operations with renewed vigour should there be the slightest toleration on the part of the Portuguese authorities or relaxation of vigilance on the part of the Commanders of Her Majesty's ships.

The barracoons in the Congo are, I am informed, filled with slaves offered for sale at an unusually low price. The slave-traders at Ponta da Lenha, and other places on the coast, who provide slaves for sale and exportation, have been put to great expense in keeping such large numbers for a considerable period without the possibility of disposing of them or shipping them; all the vessels sent for them having been captured. I have been informed that two ships were lately offered for sale in the Congo, but no one possessed funds sufficient to purchase them. I was told, however, a few days ago, by that able and indefatigable officer, Commander Hoskins, that there was every prospect of the trade being revived with the vigour that it exhibited in October of last year.

The shipment of libertos to St. Thomas was, for a short period, entirely discontinued. The Governor-General, however, has again permitted a limited number to be dispatched by vessels bound to that island. His Excellency takes what he conceives to be sufficient precautions to ensure their freedom on their arrival. He limits the number to ten, he grants no passports to slaves, and requires the Governor of St. Thomas to see that their rights are secured to them. The facilities for again reducing these negroes to slavery are so great that I fear that the precautions to which his Excellency attaches so much importance will be but of little avail. I have been at some pains to learn, from the most trustworthy sources, whether the negroes sent to St. Thomas remain on the island, or are reshipped. The Governor-General says, most decidedly and authoritatively, that their services are so much needed there that it is more profitable to keep them than to reship them, and that none are sent away. Senhor Motta (who resided five years in the Island as Juiz de Direito, and has lately been promoted to the office of Judge of Relação in this city, and will be probably Portuguese Commissioner) confirms that opinion, and states that the export of coffee, which is of a very superior description, has more than doubled during the last five years; that more negroes are needed there, but none can be spared. The whole of the information that I have received tends to that conclusion. Although I am myself disposed to lean to that opinion, I in no wise allow myself to be influenced in my proceedings, nor do I in any degree relax my vigilance.

The Governor-General has made the most of the very inadequate naval force at his command, and has endeavoured to supply the deficiency by appointing confidential persons as "*Chefes*" at the most suspicious points on the South Coast, but the number from which he can select is, I suspect, very limited.

It is with the greatest satisfaction that I acknowledge the cordiality and promptitude with which his Excellency carries out the suggestions that I have occasion to offer, the courtesy with which he communicates to me information connected with the Slave Trade, and the perfect harmony that exists between us both in his capacity as Governor-General and Acting Portuguese Commissioner.

Loanda, October 31, 1868.

(Signed) W. VREDENBURG.

LOANDA. (*Board of Superintendence.*)

No. 78.

Her Majesty's Commissioner to Earl Russell.—(Received August 3.)

My Lord,

Loanda, May 22, 1863.

I HAVE the honour to transmit herewith a translation of the Report of the Curator of Liberated Negroes for the last quarter.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 78.

Report of the Curator of Liberated Africans.

(Translation.)

I HAVE the honour to bring to the knowledge of the Most Excellent Board of Superintendence that during the first quarter of the present year I visited from time to time the libertos under the charge of the said Board, and found—

1. That they had proper treatment.
2. That of the libertos granted to individuals some are employed in domestic service and others in labour in the suburbs of the city; and those granted to the Municipal Chamber are in the service of the Municipality.
3. That the liberto João (Cucu) died on the 4th of January last, being one of those granted to Dona Thereza de Aguiar Castro.
4. That there are collected at the barrack, at the charge of Government, the following libertos: Maihala, who was in the service of Miguel de Jesus Cav [*sic in orig.*]; Catherine Mucamba, who was in the service of Francisco Barboza Rodrigues; Tiberio Sumbo, who had left the service of Dr. Saturnino de Souza Oliveira; Joaquin Agostinho, one of those that had been granted to the Municipal Chamber; and Emidio Mamuna, Gervasio Massoque, Catherine Melande, and Suzanna Quango, who had been granted to Ignacio José de Moraes, who declined their further services.

St. Paul de Loanda, April 27, 1863.

(Signed) M. A. DE CASTRO FRANCINA, *Curator.*

No. 79.

Her Majesty's Commissioner to Earl Russell.—(Received September 19.)

My Lord,

Loanda, July 4, 1863.

I HAVE the honour to transmit herewith a translation of the Report of the Curator of Liberated Africans, for the Quarter ending 30th June, 1863.

I have, &c.
(Signed) W. VREDENBURG

Inclosure in No. 79.

Report of the Curator of Liberated Africans.

(Translation.)

I HAVE the honour to inform the Board of Superintendence of Liberated Negroes that during the second quarter of the present year I visited several times the libertos under the charge of the said Board, and found—

1. That they were properly treated.
2. That the libertos granted to private persons were employed in domestic pursuits and some as labourers in the suburbs of the city, and that those granted to the Camara were employed in the service of the town.
3. That on the 1st May the liberto Pedro ran away from the barracks belonging to the Government, and having been captured on the 22nd, again ran away on the 25th.
4. That on the 10th May last the liberto Catharina, in charge of the Government depository, entered the hospital, and left in health on the 30th June last.

St. Paul de Loanda, July 1, 1863.

(Signed) M. A. DE CASTRO FRANCINA, *Curator of Libertos.*

No. 80.

Her Majesty's Commissioner to Earl Russell.—(*Received November 19.*)

My Lord,

Loanda, September 12, 1863.

I HAVE the honour to transmit translations of the Minutes made at two Sessions of the Board of Superintendence, which have been held since my arrival in this city.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure 1 in No. 80.

Minutes of a Session of the Board of Superintendence, held on the 20th of April, 1863.

(Translation.)

ON the 20th April, 1863, in this city of St. Paul de Loanda, in the Palace of Government, present his Excellency the Councillor the Governor-General José Baptista d'Andrade, and W. Vredenburg, Esq., Commissioner on the part of Her Britannic Majesty in the Mixed Commission established in this city in virtue of the Treaty of the 3rd July, 1842, between Portugal and Great Britain, for the Suppression of the Slave Trade. The aforesaid W. Vredenburg, Esq., declared that he had on the 14th instant, taken the oath as prescribed in Article I, Section 3, of Annex C of the said Treaty, in the capacity of Member of the Board of Superintendence of Liberated Africans; the oath having been administered to him in due form by the principal Magistrate of this province, the Vice-President of the Court of Appeal, the Judge Joaquim Guedes de Carvalho e Menezes, by which act was constituted the said Board of Superintendence, according to the stipulations of the said Treaty and its Annex C.

The British Commissioner afterwards said, that knowing by the Report presented by the Curator of Liberated Africans, and Secretary of the Board, that there were at the barracks under the care of the Government some libertos belonging to the Board, judged that it would be opportune that the presence of such libertos should be published in the official Gazette of the province, inviting whoever might wish to hire them under the conditions which would be mentioned, and his Excellency the Governor-General agreeing to this, the Board resolved that an advertisement should be placed in the Bulletin of the Government, in conformity with this resolution, agreeing that seven days after the publication of the advertisement, the Board would meet to decide upon the petitions presented.

And to affirm, &c.

(Signed) JOSE BAPTISTA D'ANDRADE, *Governor-General.*
W. VREDENBURG.
M. A. DE CASTRO FRANCINA.

Inclosure 2 in No. 80.

Minutes of a Session of the Board of Superintendence, held on the 2nd of May, 1863.

(Translation.)

ON the 2nd May, 1863, the Board of Superintendence of Liberated Africans met in the Palace of Government to decide upon the applications which had been presented for libertos under the care of the said Board, in conformity with the resolution taken in the Session of the 20th ultimo. There were presented by the Curator of Liberated Africans, Acting Secretary of the Board, several requisitions for libertos, and one proposition from A. G. C. Garrido, asking for all or those who might be allotted to him, and the Board having informed itself of the position of the petitioners, resolved to accede to the following applications:—

	girls.		girls.
A. C. de A. Figueiredo	1	A. J. Narcizo	1
L. B. de C. Vieira	5	A. J. de Silveira	1
A. J. Escorcio	1	Dona J. Pires	5
S. D. de Santos	1	M. J. B. Correia	2
J. A. Alves	3	A. G. C. Garrido	6
Dona V. E. de Silva	3		

Afterwards, one of the remaining libertos was allotted to the British Commissioner, who immediately determined to pay him three milreis per month, and having no further business to transact, the Session was dissolved at 1 o'clock P.M.; the Board having ordered that the proper papers should be drawn out in order to legalise the delivery of the libertos who had been allotted, &c.

(Signed) JOSE BAPTISTA D'ANDRADE, *Governor-General.*
W. VREDENBURG.

No. 81.

Her Majesty's Commissioner to Earl Russell.—(*Received December 1.*)

My Lord,

Loanda, October 5, 1863.

I HAVE the honour to transmit a translation of the Report of the Curator of Liberated Africans for the last quarter.

I have, &c.
(Signed) W. VREDENBURG.

Inclosure in No. 81.

Report of the Curator of Liberated Africans.

(Translation.)

I HAVE the honour to inform the Board of Superintendence of Liberated Africans, that during the third quarter of the present year, having visited several times the negroes under the charge of the said Board I found:—

1st. That they received proper treatment.

2ndly. That the libertos granted to private persons were for the most part employed in domestic pursuits, and some in labour in the suburbs of the city, and those granted to the Corporation in the employment of the Municipality.

3rdly. That the liberta Izabel, having been received in the hospital ill on the 16th July last, died in the said hospital on the 5th August. She was one of those granted to A. G. C. Garrido.

4thly. That the remaining five libertas who were granted to the said A. G. C. Garrido were received in the Provincial Government barracks, he not requiring them further.

St. Paul de Loanda, October 5, 1863.

(Signed)

M. A. DE CASTRO FRANCINA, *Curator of Libertos.*

NEW YORK.

No. 82.

Earl Russell to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, April 18, 1863.

I TRANSMIT to you, for your information, the accompanying copy of a letter from Mr. Adams, the United States' Minister at this Court, inclosing a list of United States' cruisers which have been furnished with authority to carry out the provisions of the Treaty of the 7th of April, 1862, for the suppression of the African Slave Trade, together with a copy of the special warrant issued to the Commanders of the vessels to whom the Treaty is furnished with a view to service under it.

I am, &c.

(Signed) RUSSELL.

Inclosure 1 in No. 82.

Mr. Adams to Earl Russell.

My Lord,

Legation of the United States, London, April 14, 1863.

I HAVE the honour to transmit to your Lordship a copy of a letter from the Secretary of the Navy of the United States to the Secretary of State, accompanied by a list of the national vessels which have so far been furnished with authority to carry out the provisions of the Treaty of the 7th April, 1862, for the further suppression of the Slave Trade.

I have the honour likewise to place in your hands, for the information and use of Her Majesty's Government, three printed copies of the special warrant issued to the Commanders of the vessels to whom the Treaty is furnished with a view to service under it.

I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

Inclosure 2 in No. 82.

Mr. Welles to Mr. Seward.

Sir,

Navy Department, March 28, 1863.

IN pursuance of the IInd Article of the Treaty of the 7th April, 1862, between the United States and Great Britain, for the suppression of the African Slave Trade, I have the honour to inclose herewith for transmission to Her Majesty's Government, a list of the vessels of the United States' navy which have so far been furnished with special authority to carry out the provisions of said Treaty.

Instructions to carry out the provisions of the Treaty will be given to other vessels, the names of which, with their Commanders, and the force of each, shall be duly communicated.

I also inclose herewith several copies of the Special Warrant issued to the Commanders of the vessels to whom the Treaty is furnished.

I have, &c.

(Signed) GIDEON WELLES.

Inclosure 3 in No. 82.

LIST of Vessels of the United States' Navy duly authorized to carry out the provisions of the Treaty between the United States and Great Britain, of April 7, 1862, for the suppression of the African Slave Trade.

Vessel.	Class.	Guns.	[Commander,	Station.
Juniata (Flag)	Screw sloop .	11	Acting Rear-Admiral Chas. Wilkes .	West Indies.
Alabama .	Side-wheel steamer .	9	Commander E. T. Nichols .	Ditto.
Sonoma .	Ditto .	6	Commander J. M. B. Clitz .	Ditto.
Tioga .	Ditto .	6	Commander A. G. Cleary .	Ditto.
Santiago de Cuba	Ditto .	10	Commander R. H. Wyman .	Ditto.
Octorara .	Ditto .	6	Commander Napl. Collins .	Ditto.
Shepherd Knapp	Sailing-ship .	8	Lieutenant H. S. Eytinge .	Ditto.
Rhode Island	Side-wheel steamer .	11	Commander S. D. Trenchard .	Ditto.
Vanderbilt .	Ditto .	15	Commander Ch. H. Baldwin .	Ditto. Special service.
Connecticut .	Ditto .	5	Commander Geo. H. Cooper .	Special service. Gulf of Mexico.
Mohican .	Screw-sloop .	7	Captain O. S. Glisson .	Vicinity of the Cape de Verde Islands.

Inclosure 4 in No. 82.

Special Warrant.

Sir,

United States' Navy Department, 1863

I TRANSMIT herewith copy of a Treaty for the suppression of the African Slave Trade, concluded between the United States of America and Great Britain, April 7. 1862, to which are annexed, and form an integral part thereof, Instructions for Cruizers, marked A, and Regulations for Mixed Courts of Justice, marked B.

In furnishing you with this Treaty and the Instructions annexed to it, the Department specially authorizes, empowers, and directs you to exercise all the rights and privileges granted thereby to cruizers of the United States having a Special Warrant to act under it.

The rights and privileges granted by the Treaty do not in any way derogate from or conflict with the belligerent rights of United States' cruizers in time of war. The powers conferred by the Treaty are added to belligerent rights, and not substituted for them. Those rights still obtain, and are to be exercised.

This Special Warrant, issued in pursuance of the Treaty, authorizes a United States' cruiser possessing it, on falling in with a British vessel actually engaged in the Slave Trade, or suspected of being fitted for it, to exercise the rights and privileges which the Treaty concedes, and in the manner the Instructions (A) prescribe, by which alone the Mixed Courts of Justice will be enabled to exercise all their functions in cases sent to them for adjudication.

I am, &c.

Secretary of the Navy.

By the President of the United States of America.

A Proclamation.

Whereas a Treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, was concluded and signed by their respective Plenipotentiaries, at the city of Washington, on the 7th day of April last, which Treaty is word for word as follows:—

Treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the Suppression of the African Slave Trade.

[See Class B, presented 1863, Inclosure 1 in No. 331.]

And whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London, on the twentieth ultimo, by Charles Francis Adams, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of St. James, and Earl Russell, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, on the part of their respective Governments.

Now, therefore, be it known that I, Abraham Lincoln, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every Clause and Article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this seventh day of June, in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the eighty-sixth.

(Signed)

ABRAHAM LINCOLN.

By the President,

(Signed)

WILLIAM H. SEWARD, *Secretary of State.*

No. 83.

Her Majesty's Commissioner to Earl Russell.—(Received May 30.)

My Lord,

New York, May 15, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch addressed to Mr. Ryder and myself, transmitting, for our information, a copy of a letter from Mr. Adams, the United States' Minister, inclosing a list of United States' cruizers which have been furnished with authority to carry out the provisions of the Treaty of the 7th April, 1862, for the suppression of the African Slave Trade, together with a copy of the Special Warrant issued to the Commanders of the vessels to whom the Treaty is furnished with a view to service under it.

I have, &c.

(Signed)

E. M. ARCHIBALD.

No. 84.

Earl Russell to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, June 5, 1863.

I TRANSMIT to you herewith, copies of the Regulations which have been drawn up for your guidance in the technical part of your duties as Judge and

Arbitrator on the part of Her Majesty in the British and United States' Mixed Court of Justice at New York.

These Regulations contain instructions for the proceedings of the Court throughout the whole course of trial of a case, and they have been framed mainly in accordance with the course observed in the High Court of Admiralty in this country, adapting and limiting the proceedings to the objects prescribed by the Treaty under which the Commission is framed.

They have been so prepared for the purpose of giving to you every requisite facility and assistance in establishing a legal regularity in the proceedings of the Court of which you are members, and for the more complete attainment of the ends of justice.

With respect to the general interrogatories included in the Regulations, you will take care that the questions therein enumerated shall, so far as they may apply, be put to the several witnesses to be examined under your adjudication and arbitration; and whenever special points may arise which these interrogatories do not reach, you will frame additional interrogatories to meet those points, being always careful to obtain and weigh the whole facts of the case before you give your judgment upon it.

I have instructed Her Majesty's Minister at Washington to communicate copies of these Regulations to the United States' Government for their approval, and to state that Her Majesty's Government would of course take into consideration any amendments or alterations which the United States' authorities, after due deliberation, might see fit to suggest; but as the Regulations have been carefully prepared, his Lordship is directed to express the hope that they will accord with the views of the United States' Government, and that the United States' officers in the several Mixed Commission Courts at New York, Sierra Leone, and the Cape of Good Hope will be directed to guide their proceedings in conformity therewith.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 84.

Regulations for the Guidance of the Mixed Courts of Justice established in pursuance of the Treaty of the 7th of April, 1862, between Her Britannic Majesty and the United States of America, for the Suppression of the African Slave Trade.

[See Appendix.]

No. 85.

Her Majesty's Commissioners to Earl Russell.—(Received July 12.)

My Lord,

New York, June 30, 1863.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 5th instant, transmitting to us copies of the Regulations which have been drawn up for our guidance in the technical part of our duties, as Judge and Arbitrator on the part of Her Majesty in the British and United States' Mixed Court of Justice at New York.

In carrying these Regulations into effect, as occasion may require, we shall govern ourselves by the instructions respecting them which are conveyed to us in your Lordship's despatch.

We have, &c.
(Signed) E. M. ARCHIBALD.
W. D. RYDER.

No. 86.

Earl Russell to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, July 22, 1863. *

WITH reference to my despatch of the 20th of August last, I transmit, for your information and guidance, six copies of an Additional Article to the Treaty between Her Majesty and the United States of America for the suppression of the African Slave Trade, signed at Washington on 17th of February last.*

* Class B, Inclosure in No. 221.

I also inclose copies of an Act of Parliament which has been passed for carrying into effect the Additional Article in question.

I am, &c.
(Signed) RUSSELL.

No. 87.

Earl Russell to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, July 25, 1863.

I TRANSMIT to you herewith copies of a despatch, and its inclosure, from Her Majesty's Minister at Washington,* by which you will perceive that the United States' Government have approved the Regulations prepared by Her Majesty's Government for the guidance, in their technical part of their duties, of the Judges and Arbitrators appointed for carrying into effect the provisions of the Treaty of the 7th of April, 1862, between Her Majesty and the United States for the suppression of the African Slave Trade.

I have accordingly to desire that you will be guided by these Regulations in the adjudication of any cases that may be brought before you under the provisions of the Treaty in question.

I am, &c.
(Signed) RUSSELL.

No. 88.

Her Majesty's Commissioners to Earl Russell.—(Received September 17.)

My Lord,

New York, August 31, 1863.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 22nd July, transmitting, for our information and guidance, six copies of an Additional Article to the Treaty between Her Majesty and the United States of America for the suppression of the African Slave Trade, signed at Washington on the 17th of February last; together with copies of the Act of Parliament passed for carrying into effect the Additional Article in question.

We have, &c.
(Signed) E. M. ARCHIBALD.
W. D. RYDER.

No. 89.

Her Majesty's Commissioners to Earl Russell.—(Received September 17.)

My Lord,

New York, August 31, 1863.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 25th ultimo, transmitting copies of a despatch, and its inclosure, from Her Majesty's Minister at Washington, acquainting us that the United States' Government have approved the Regulations prepared by Her Majesty's Government for the guidance, in the technical part of their duties, of the Judges and Arbitrators appointed for carrying into effect the provisions of the Treaty of the 7th April, 1862, between Her Majesty and the United States for the suppression of the African Slave Trade.

In compliance with your Lordship's instructions, we shall be guided by these Regulations in the adjudication of any cases that may be brought before us under the provisions of the Treaty in question.

We have, &c.
(Signed) E. M. ARCHIBALD.
W. D. RYDER.

Her Majesty's Judge to Earl Russell.—(Received February 1, 1864.)

My Lord,

New York, December 31, 1863.

I HAVE the honour to report to your Lordship that during the past year there has not been, to the knowledge of the Federal Authorities, nor so far as I have been enabled to ascertain, a single slave-trading expedition fitted out from this port.

The contrast presented by this state of affairs with the practice of outfitting slave-trading expeditions heretofore so extensively carried on in this city is not less agreeable than novel. The salutary change in this respect which has been wrought by the suppression of the unlawful practices which have been so long a reproach to this community is deserving of observation. New York has for many years furnished peculiar facilities and advantages for organizing and outfitting slave-trading expeditions. A large and populous maritime city, the resort of adventurers from other countries, within a few days' sail of and in constant communication with Havana, here have congregated the Spanish and Portuguese projectors of slave-trading voyages; and here have they been enabled by a liberal expenditure of money to command all the requisite means for carrying into execution their nefarious purposes. In the purchase of suitable vessels they had here a wide field; under the pretext of a legitimate trade with the West Coast of Africa, or of whaling voyages in the South Atlantic, it was a matter of no difficulty to despatch vessels from this or from other ports of the United States. If at any time the suspicions of the local authorities were aroused, it almost invariably happened that the vigilance of the police was eluded. If occasionally arrests or seizures happened to be made, some defect of process or deficiency of proof, or unfaithfulness on the part of the subordinate officers of justice, furnished a means of escape from the penalties of the law. When, indeed, accused parties were brought to trial, the well-known indisposition of juries to convict, even on clear evidence, secured, in advance, immunity to criminals, insomuch that a prosecuting officer has declared in open court that in view of the then existing state of public sentiment in reference to such offences, and having regard to the severe penalties of the law, he deemed it inexpedient to press cases to trial.

It is, consequently, not to be wondered at that in the brief period of a little more than three years preceding 1862, out of about 170 slave-trading expeditions which are said to have been organized by parties who were constantly passing and re-passing between Havana and New York, and who made this city their headquarters, no fewer than seventy-four vessels are known or believed to have cleared from New York, forty-three from other ports of the United States, forty from ports of Cuba, and the residue from European ports.

The withdrawal in 1858 of the cruisers which had been stationed in the waters surrounding Cuba (against whose operations the clamour which was aroused at the time was excited by the slave-traders, and by parties in their interest) was followed during the succeeding three years by a more and extensive and active prosecution of the traffic than probably ever took place during any previous equal period of time.

It was not until the present administration of the United States' Government came into power that the laws for preventing the outfitting of slave-trading expeditions began to be enforced with effect. The efforts of the Federal Officers in detecting and bringing guilty parties to trial and punishment, have doubtless been aided by the change of public sentiment which has been produced by the secession of the Southern States, and the attempt at disruption of the Union. Nevertheless it has been mainly owing to the zealous and vigorous exertions of the Federal officers under the existing administration, and more especially of the present United States' Marshal for the Southern district of New York, that the outfitting of slave-traders from this and neighbouring ports has been effectively checked. The conviction and execution of Captain Gordon of the "Erie" in February 1862; the conviction and sentence of two other notorious offenders, one at Boston, and the other in this city; the arrest of others long known to be actively engaged in slave-trading expeditions, or the outfitting of vessels for the purpose, struck terror into the parties whose impunity had hitherto been assured by the laxity with which the laws relating to their crimes were administered.

But the most efficacious agency for preventing the outfitting of slave-trading expeditions in the ports of this country, as well as for putting an end to the prosti-

tution of the flag of the United States to the purposes of this inhuman traffic, will, I doubt not, be found in the provisions of the Treaty recently concluded between Great Britain and the United States for the more effectual suppression of the Slave Trade. The right of search of suspected vessels reciprocally granted to the cruizers of the two nations—a desideratum so long manifest—and the establishment of a blockade of the coasts of Cuba under conditions which are not to be affected by the clamour of the slave-traders, cannot fail to be productive of those beneficial results which the Treaty was designed to accomplish.

I am, &c.
(Signed) E. M. ARCHIBALD.

REPORTS FROM NAVAL OFFICERS

WEST COAST OF AFRICA STATION.

No. 91.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

(Extract.)

"Rattlesnake," off Lagos, November , 1862.

YOU will have been informed of my proceedings up to the 3rd instant, at which date I was at anchor at Ascension. I have now the honour to report my movements since that period:—

I left Ascension on the evening of the 8th, under sail, and anchored off Cape Coast Castle on the morning of the 16th. The "Brisk" was at anchor, having arrived two days before.

I left the following morning, and anchored at Jellah Coffee, near Quittah, on the afternoon of the 17th.

I visited Quittah, saw the Bremen Protestant missionary and palm-oil merchant, which latter carries on a good trade here. There is no doubt that slaves are shipped from this locality, particularly by a Portuguese named Lima, who has barracoons within ten miles of Quittah. There is another Portuguese, about ten miles further to the eastward, who is supposed to be engaged in the same occupation.

I arrived at Little Popoe on the morning of the 19th, and landed at noon, being received by the Chief and people with great honours and rejoicing.

From Little Popoe I went to Whydah, where no English officer has, I believe, landed for six years. After some trouble I sent a letter on shore to the Yervogah by a canoe, inclosing one to the King of Dahomey; copies of which, as well as the reply of the former, are inclosed. The Yervogah was, no doubt, anxious for the King's answer before receiving me, but I took advantage of a canoe belonging to the French establishment here and landed. From the beach I went up, accompanied by two officers, to the town of Whydah.

We were carried in hammocks from the beach to Whydah, a distance of about two and a-half miles. A description of the route will be very necessary for many reasons, as there is much water to pass through.

From the beach the road is over about 500 yards of sand, where the first lagoon is approached; we then entered the water a short distance, until a large canoe was found afloat, into which we stepped from our hammocks; we then poled across 500 yards to the dry land on the other side; here we got into our hammocks again, and went a quarter of a mile, when we reached the second water. This is not a lagoon, but a large extent of marshy ground through which an opening has been cut to act as a road, about 15 feet wide. This passage is more or less deep according to the season, and the banks on each side are dry, even now; when we crossed it was $4\frac{1}{2}$ feet deep, although the water is decreasing, and will, in a month, be not above 2 feet, as this is the dry season. This passage is long, I should say 1,000 yards. We then came to the French factory, or fort, as it is called, at the town of Whydah, a further distance of nearly a mile, thus making the whole distance two and a-half miles.

There are three factories on the beach—two Portuguese and one French—but no one resides there during the night. The clerks, or agents, return to Whydah in the evening, and come again in the morning. The two Portuguese factories consist of large barracoons,—without doubt slave-barracoons,—as I found the remains of manioc, &c., in a kettle which had evidently been lately used. There are a few

native houses, probably for the families of those who look after the barracoons at night. The French factory at Whydah is a large building surrounded by a high wall.

The English fort, into which I went from the French factory, is much decayed since I last saw it. The walls are rotten, and of some extent, but are constructed of mud only. I was much disappointed in the appearance of the English fort; it is at present occupied by the Rev. Peter Wm. Bernasko, a native of Cape Coast Castle, and a Protestant missionary who goes from place to place. He speaks English perfectly, and was of great use to me in my interview with the Yervogah. Neither the French nor Portuguese have any territorial rights in this place; they are traders, like any one else who has permission to reside there. I sent my stick to the Yervogah to say I was coming to pay him a visit, which he returned with his own, with a message that he would be glad to see me. It is necessary in this country to follow the custom of the natives, and I knew the Yervogah required time to make his preparations for receiving me in state; while waiting for this, I went to the house of Domingo Martinez,* the celebrated slave-dealer of twenty years' notoriety. He received me most civilly, and said that the King of Dahomey would receive me in a friendly manner. He is far from well, suffering from a complaint in his eyes. He lives in a large well-furnished house, with plenty of slaves about him. He says he has given up the Slave Trade. From this house we went back to the English fort, and from thence to the Yervogah, who was ready to receive me. His house is about a quarter of a mile from the fort. We were preceded by two of his head men, and I carried his stick. In front of his house were assembled 200 or 300 warriors, all armed with muskets, and a great crowd of people. These went through a variety of war-dances to do us honour. We entered the Yervogah's house, and in an immense court found two great umbrellas spread, and his personal attendants waiting. In a small room off the court were seated in state the Yervogah and Prince Chudattory, brother of the King of Dahomey. I shook both cordially by the hand, and we then sat down. Our conversation was about various matters connected with the wish of England to be on good terms with every one, particularly with the King of Dahomey, if he would accept our friendship. I did not enter into questions relative to the Slave Trade, as this was merely a friendly visit. The Yervogah said that my letter had been sent to Abomey, and that the King would return back an answer in a few days. He seemed pleased, and so did the people, when I told him I had landed there and dined with the Yervogah twice in former years.

The brother of the King of Dahomey is a remarkably handsome person, very tall, a good expression of countenance, and as black as a coal; I have never seen an African so deeply black as he is.

After the usual ceremonies of drinking water, &c., we went away and were escorted back to the fort, surrounded by an immense concourse of people, all cheering, dancing, and firing muskets and pistols: this continued inside the fort, and I distributed cowries to the people, according to custom; I also made them a "dash" of rum.

Altogether my visit was most satisfactory, and will, I think, tend to wipe away any wrong impressions which the slave-dealers here are interested in spreading abroad. I was obliged to remain on shore all night, as the surf was too bad to return on board. I left my boats at Whydah, in consequence of a Brazilian brig having made her appearance off the coast, and sailed on the 23rd, anchoring off Lagos the following morning, "Brisk" in company. "Wrangler" was here also, and I sent her the same day to the South Coast, St. Helena, and Ascension, to return to the North Coast, where she will be stationed.

I brought from Ascension a life-boat cutter for Lagos, and also a case of plants for Kew.

I went myself in the "Advance" tug belonging to Mr. McCoskry on the morning of the 25th instant. The bar was favourable, with from twelve to fifteen feet of water over it. I saw the Governor, also Lieutenant Glover of the "Handy," and I visited King Docemo, also Kosoko and Tappa, who have only lately returned to Lagos. Everything is quiet as far as Lagos is concerned, but the Chiefs and people of Abbeokuta still show an inclination to be unfriendly.

There was a steamer that shipped a cargo of 560 slaves to the westward of Aghwey on the 20th October, with French colours flying. She is supposed to be very fast.

* Since dead.

We have Treaties with Aghwey and Great Popoe for the suppression of the Slave Trade, and I shall visit these places concerning the shipment of the slaves above-mentioned.

I have nothing further to add, excepting that from Whydah I shall return to Sierra Leone for my letters, &c.

Inclosure 1 in No. 91.

Commodore Wilmot to the King of Dahomey.

Sir, “Rattlesnake,” Whydah, November 20, 1862.
I HAVE arrived at Whydah, the sea-port of your Majesty's dominions, on my way to visit the ships of the Queen of England in the Bight of Benin.

It gives me great pleasure to salute your Majesty in the name of my august Sovereign Queen Victoria, who wishes you health, prosperity, and real happiness.

It was my good fortune to be well acquainted with your late father, who was always the friend of the white man.

In the year 1851, as Commander of a British cruizer, I wrote to the late King on the subject of the Slave Trade and the establishment of legitimate commerce, which was received in good part and as an act of friendship.

Your father was pleased to receive me very kindly on two occasions when I landed at Whydah in 1851, in company with an accredited Agent, or Consul, who was permitted to reside in the English fort.

Your high officers, the Yervogahs and Cabooceers, paid us every attention, for which we were thankful, and we earnestly prayed that these acts of friendship might continue.

The death of your father was a severe blow for Africa, because in his heart he believed that the words of the white man were words of truth, spoken in honesty and sincerity of heart to do good to your country, and make it prosper.

Alas that your Majesty has not followed in the steps of your enlightened father! If you had done so, your country would now have been prosperous, and yourself and subjects happy, in the knowledge of doing good, as well as rich by the profits of agriculture.

Would that your Majesty had listened to the voice of reason and justice!

If you are a great King, show an example worthy of a great King. Leave off these inhuman sacrifices, which are a curse upon your country, and the detestation of every civilized nation in the world.

By what right do you take the lives of your own people, your own flesh and blood? I speak plainly to your Majesty, because I would be your friend rather than your enemy, not from any fear of meeting you face to face, and telling you what I think, but because my Sovereign and the English nation hate war, and would be sorry for the slaughter of your people in an unjust cause.

Does the blood of your victims in any way make you happy, or make you a greater King than you otherwise would be if their lives were spared, and they were employed in peaceful and legitimate trade?

Shame to the great King of Dahomey that he pollutes his reign by such unworthy cruelties and horrors!

Give up also the Slave Trade, and listen to the voice of reason and humanity. Instead of selling your countrymen and bringing a curse upon your nation, employ them upon the soil, and in collecting the produce of your rich and fertile country. You will be far more wealthy in a few years by doing so, than by capturing and selling your people.

There is one great and supreme God in the skies above your head, who will judge you in another world. You cannot live for ever; where will you go to when you die? Has this thought ever occurred to you? You have power now for good or evil. If you do good you may be happy hereafter, for assuredly you will rise again to be judged. If you do evil, then will your spirit never rest, and in the next world you will regret in vain that you had not listened to the words of your real friends, the “white men.”

I wish your Majesty good health, and shall be happy to pay you a visit, if you feel disposed to receive me in a friendly manner.

I earnestly hope that the words in this letter may be interpreted to your Majesty literally and without fear.

I have, &c.

(Signed) A. P. EARDLEY WILMOT.

Inclosure 2 in No. 91.

Commodore Wilmot to the Yervogah of Whydah.

Sir, “Rattlesnake,” off Whydah, November 20, 1862.
INCLOSED is a letter which I shall feel obliged by your forwarding by the earliest opportunity to the King of Dahomey.

I am anxious to pay you a visit at Whydah, and shall expect that you will be prepared to receive me with honour, kindness, and friendship.

I have arrived upon the coast and taken command of the ships of Her Majesty the Queen of England.

I take this opportunity of wishing you health and happiness.

Yours, &c.

(Signed) A. P. EARDLEY WILMOT.

Inclosure 3 in No. 91.

*The Yervogah of Whydah to Commodore Wilmot.**Whydah, November 20, 1862.*

YOUR letter dated to-day I have received, and have heard all the contents of it, and I shall send your kind letter to the King of Dahomey to-day, but one thing am going to beg you, only to wait for little to receive the answer from King of Dahomey. The reason why I tell you to wait for awhile, because am just going to send the letter to the King, and know what he should answer.

I am very much glad for your kind letter written to ask of my healthy, and the King of Dahomey; am just going to despatch the messenger to the King, and send you immediately the answer.

Been as you has written me that you shall give out your visit, I am very glad, but I shall receive you with kindness and comfortable. With regarding to your requested that you shall call here as visit, I feel much happy, but soon as the messenger returns from Dahomey, and we have learned all what King says, then you shall proceed to Dahomey at once.

I remain, my dear Sir, with my kind compliments to you and all. The Prince Chedatone joins me the same, hoping you are in a good estate of condition.

(Signed) CABOCEER AVOOGAH.

No. 92.

Commander Douglas to Commodore Edmonstone.

Sir,

"Espoir," at Sea, October 17, 1862.

I HAVE the honour to report that on the 15th October I detained and sent in charge of Lieutenant Murray to Sierra Leone for trial, a barque of about 280 tons, sailing under the Netherlands flag, and stated to be the "*Jane*."

My reasons for detaining the vessel were as follows, viz. :—

1. Though claiming to be a Netherlands ship and sailing from a Netherlands port, no register was produced from home port, the register bearing date Curacao, April 1862, since which time the vessel was admitted to have been for some weeks at Rotterdam.

2. No manifest or port clearance from Rotterdam or Helvoetsluys, the last port of sailing from.

3. No certificate of bond for the large quantity of water-casks on board.

4. No clearance or documents from Elmina, at which port the "*Jane*" was stated to have called on her way out.

The above-mentioned reasons, with many minor circumstances, induced me to detain the "*Jane*," as I did not believe she would be able to show proof of her claim to the flag assumed.

It was after careful consideration that I arrived at the above conclusion, as heretofore this flag has been above all suspicion, so much so that on most occasions any vessel showing the Netherlands flag has not been visited.

I may add that before sending this ship to Sierra Leone, I removed from her at their own request two people stating themselves to be passengers for the Congo; on one of these was found a copy of the charter-party of the slave-ship "*Nightingale*." The supercargo of the "*Jane*" admitted to me that his ship had been chartered on much the same plan, that is to say, with the option to purchase before the charter expired.

Unfortunately, after I landed these passengers, I learned that one of them had been known on this coast as the Captain of the "*Nightingale*," and also that the supercargo was recognized as the Captain of the "*John Boynton*," a noted slave-ship on this coast.

I have, &c.

(Signed) SHOLTO DOUGLAS.

No. 93.

Commander Douglas to Commodore Edmonstone.

Sir,

"Espoir," Loanda, November 6, 1862.

ON the 2nd instant, being about 12' south of Mangue Grande, I boarded and detained a launch sailing under Portuguese colours, and claiming to be the "*He*," or "*E*." This launch had on board at the time of capture a cargo of ground nuts, oil, beans, and farinha, two Portuguese, and 5 slaves.

She was stated to be bound from the Congo to St. Paul de Loanda, but could produce no manifest for cargo, or any passport or certificate for slaves on board. Under these circumstances, deeming she had infringed the Treaty between Great Britain and Portugal of July 3rd, 1842, I towed her into Loanda, and placed her at the disposal of the Mixed Commission on the 5th instant.

I have, &c.
(Signed) SHOLTO DOUGLAS.

No. 94.

Lieutenant Lefroy to the Secretary to the Admiralty.

Sir, "Investigator," *Sierra Leone, December 21, 1862.*
I HAVE the honour to inclose a copy of my despatch concerning the Niger Expedition, for their Lordships' information, as I know it will not be possible for the Commodore to forward those I sent him by this mail.

I have, &c.
(Signed) B. L. LEFROY.

Inclosure in No. 94.

Lieutenant Lefroy to Commodore Edmonstone.

Sir, "Investigator," *Lagos Roads, October 26, 1862.*
IN compliance with orders received from you, relative to the Niger Expedition, dated 4th August, which orders I received from the senior officer on the 26th August, on the following day being manned, coaled, and provisioned by Her Majesty's ship "Brisk." I started for Fernando Po, to pick up the remainder of Dr. Baikie's goods, and fill up with coals. Arrived off the Nun river on the evening of the 31st, and communicated with Her Majesty's ship "Brisk." On the following morning received provisions, and took Mr. McCoskry's large boat in tow with coals. On the afternoon of the same day, having Captain Luce, R.N., on board, I proceeded over the Nun bar, and found it very heavy. Anchored for the night off the Rev. Mr. Crowther's Missionary Establishment, which gentleman came on board, and begged a passage for himself and thirty-six of his followers, as far as the Confluence, which request I considered judicious to grant. On the 2nd September I commenced the ascent of the Niger. When about two miles up, stopped, and Captain Luce left for the Brass River. Proceeded at full speed. Found this part of the river low, swampy, and lined by the mangrove as far as Sunday Sound. Passed a few small, wretched villages, the water washing round them. At 6:30 P.M. anchored a mile above Akeddo, having made twenty-eight miles current, about two and a-half knots.

Wednesday, September 3.—Got under weigh at 5:30 A.M. General aspect of country same as day previous. Ground gradually becoming more elevated. Passed the hostile villages, Ketema, which we found temporarily deserted, the inhabitants having retired into the bush at our approach. After passing, observed numbers of men returning to the town with muskets, and shortly after heard report, and saw smoke of, I think, a 6-pounder. Passed the villages of Opuhporomæ: they saluted with three guns, and seemed glad to see us, the Chief pulling after us to Angama, which place I stopped at for a few minutes, as a Treaty had been made by "Bloodhound" in November 1860. They seemed anxious to communicate, and appeared disappointed we were not a trade ship. The factory is still standing, and they hope for trade again. They told me they were very angry with the traders from Brass, as they consider they were the means of the factory being broken up, for which cause they will not trade with them. At all the other villages we observed canoes from Brass laden with palm oil. Between Asasi and Tuesday Sound, where the "Espoir" got aground, we had $3\frac{1}{2}$ fathoms. Most of the villages hoisted a white flag, and the natives of all stood on the banks as we passed. At 6 P.M. anchored about two miles above Lahogrega. Made forty-four miles; strong current against us all day.

September 4.—Started at 5:30 A.M. Passed the hostile villages of Oloberi, also those of Imblamah, which had white flags up, and the natives stood fearlessly on the river bank. The village of Aghera, which fired on "Rainbow," had a white flag hoisted. I also observed canoes from Brass with palm-oil casks. After passing Aghera, I found less current in centre of river. Found it very hot on bridge up to 1:30 P.M., when we had a sharp shower, which reduced the temperature in shade from 90° to 84° . Above Truro Island the aspect of the country changes, trees are not so numerous, with a fine expanse of water; the first grass-land we passed at 2 P.M., and although not actually clear of the Delta, yet it is a decided improvement on the sameness of the lower part of the river. 3:30, heavy tornado; wind not so violent as at sea, but torrents of rain; it lasted some time. Abreast of second grass-land, the country becomes more open; trees of a larger description present themselves, and, as we near Ibo, the river expands considerably. Anchored at 6:30 P.M. off Abis Farm. Made forty-two miles.

September 5.—Started at 5:30 A.M.; thermometer 73° Fahrenheit. Passed Ebo early. This is the furthest town up the river to trade with by the Brass merchants, and evidently the Liverpool of the Delta, as it has a large trade up and down the river. Passed the town of Asonaro, which is at war with Ebo; also Abenso, from where we observed, for the first time, land of a mountainous nature in the distance. Here the river gets broad and noble-looking. We arrived at 6:15 at Mitsha, and sent some of Mr. Crowther's party on shore. Made forty-eight miles; found the current very strong here.

September 6.—Started from Onitsha at 5:45 A.M.; thermometer 75° . Heard that Aju, Chief of Ebo, was dead, the man that plundered Mr. Laird's factory in 1860, and that tried to detain Mr. Southwick when sent on shore from "Espoir." The first open land appeared below Miller Point, above Walker Island. The river is broad, but rather shallow. Monte Video Mountain was scarcely visible, owing to the cloudiness of the atmosphere. Thermometer at noon 84° , and at 3 P.M. 89° in the shade. We generally have a smart shower each afternoon, which cools the air. The current has not been so strong to-day, owing to the course being

straighter; we have been going eight knots. Just above Agane a large sheet of water presents itself, and the land around us very mountainous. Passed several large canoes going down the river. Anchored at 6:30 P.M. near the head of Arka Island, having made fifty-two miles.

September 7.—Started at 5:30 A.M.; thermometer 74° in shade. At 7 A.M. passed the large town of Iddah, supposed to contain upwards of 10,000 inhabitants, situated on a pretty hill 127 feet in height. There is a large plain on the south side. The houses are round, and the natives dressed in the blue cloth of the country. This place might be made the key of the Niger, as the deep water channel is very narrow, so that the town entirely commands it. Igara is the name of the country, and the King of Iddah's territory reaches as far as the Confluence. The scenery about Shooter's Sound is of a fine picturesque description; hills, thickly wooded valleys, and mountains steep and rocky. Mount Preedy, in the distance, is conical shaped, about 800 feet in height. The natives have been down on the banks in great numbers as we passed. The country here might be turned to good account, and, from what I have heard, the natives would be glad to work the ground, only they are prevented by fear of King Massaba, who sends down his horsemen in the dry season, and takes them for slaves. The land opposite Beauford Sound grows guinea corn, and the island itself has several farms on it. The navigation here is very unpleasant, owing to the number of rocks, and some of them awash. From Beauford Sound upward the country still continues mountainous, and of a very rocky nature. Current strong. About four knots from Maconachee Sound I first observed Mount Patte, at the foot of which Dr. Baikie has his settlement, called by the natives Lukoya. At 5:20 P.M. landed the Rev. Mr. Crowther and party at Igbeba (Confluence), and then proceeded to Dr. Baikie's place, three miles higher up, and on the west side of the river; anchored and sent the gig on shore. Found Dr. Baikie was not there; men who had been left in charge of his place said he had gone up the country, but could not say in what direction more than that he left for Bida last September, and had not since been heard of.

September 9.—Came to the determination it was only wasting time remaining at the Confluence; determined to proceed to Rabba, as I was unlikely to gain any information respecting Dr. Baikie here, and knowing King Massaba could give me every particular of his whereabouts, and also in case of my not seeing him I would have a responsible Chief with whom to leave his goods. Weighed at 5 A.M., and found a great difference not having the boat in tow, being able to go 9.8 knots. The country to-day is flat, splendid ground for rice. The river up here was much flooded. At 5:20 P.M. anchored off Egga; sent messenger to the King requesting he would send fresh beef and wood in the morning, which he promised. Made seventy-five miles this day.

September 10.—Remained at anchor till 1:30 P.M., in hopes of getting some wood, but it came off in such small quantities, and the charges were so exorbitant, I did not consider myself justified in purchasing it. At 1:30 P.M. proceeded up the river. At 5:15 P.M. anchored off a small village called Eghon, and sent kroomen on shore to cut wood, which they did all night.

September 11.—5:15 A.M. Started this day; having come to the last of Lieutenant Glover's charts that are printed, we had to proceed with more caution, as Lieutenant Allen's charts are of little service owing to their being on such a small scale. Anchored for the night off Pascha.

September 12.—Started for Rabba at 8 A.M. Rain in the morning, very heavy. The natives here seem much finer, better featured, and not so dark as the coast men. The women rub a kind of fine red clay over their bodies. At 1 P.M. anchored off Rabba, well clear of the shore. It is situated on high ground, with red cliffs close to it. The King of Rabba sent messengers off to salute me, and Massaba's headman also called on me. Made arrangements for sending a messenger to King Massaba, who was encamped five days' journey from Rabba, informing him of my arrival, and requesting that he would send horses, as I intended paying him a visit.

From the 12th to the 17th September nothing of importance occurred; remained at anchor waiting for horses. On the afternoon of the latter date the messenger arrived with them; but owing to an attack of fever I was unable to start till the 19th, when we commenced our journey, and reached the village of Moqua, our party consisting of Mr. Southwick, Acting Second Master, five kroomen, three guides, and myself. Started on the following morning at 7 A.M. for Inguma, a town distant about twenty miles. On the way met War Chiefs, sent by King Massaba to conduct me to him, accompanied by one of Dr. Baikie's men, who spoke English; passed through tracks of cultivated land, consisting chiefly of guinea corn and cotton, the latter particularly is raised in great abundance through these districts. Reached Inguma at noon, having travelled during the day in a northerly direction. This town is situated on a very fine river called Accoa, with a bridge across it.

On the 21st September reached the town of Baga, twelve miles distant from Inguma, still proceeding northward, the country wild, and uncultivated bush land and high grass, road so narrow, only admitting the passage of one horse.

On the 22nd September arrived at the large town of Egbe, containing about 6,000 inhabitants, some fourteen miles from the town we stopped at the night previous; country less wooded, and of a more level description than that we travelled through the day before. Egbe is situated on a small stream called Damba. Our route this day lay in a northerly direction.

On the 23rd had a long dreary ride of twenty-six miles under a scorching sun, through a forest of small trees; saw quantities of monkeys and beautiful birds. Arrived at 5 P.M. at the village Tanga Auxallos, on the River Manullar, a very fine-looking stream. We are out of Nupe country to-day, and are now in Ebbé. All the villages we passed through have been lately taken by Massaba. Sent this morning my messenger on to the King, to inform him of my approach. Our journey this day still continued in a north-easterly direction.

September 24.—Feeling rather ill this morning I was much pleased to think this day would terminate my tedious journey, but was sadly disappointed at reaching Lucaloo to find the King's messenger waiting to inform me it was his wish that I should proceed no further that day, but remain and sleep for the night. We travelled twelve miles in a northerly direction.

September 25.—At 7 A.M. started for the camp called Eddo; met a number of War Chiefs on horseback sent to meet me. Arrived at 11 A.M., when the King sent to salute me, and said if I wished he would see me at once, but not being prepared I appointed 4 P.M., and employed the interval in getting ready his presents. At 4, Mr. Southwick and myself, accompanied by a guard of five kroomen, together with the Head Chief and others the King had sent me to escort me to his presence, proceeded to the King's house, where we found him sitting on a mat, and another spread with cushions for Mr. Southwick and myself. He is a fine-looking man, and from the great name he bears just the man I expected to see. We had a little palaver and exchange of compliments, after which I presented him with the presents I brought. He seemed much pleased with the coat of mail, and said it showed him he was not forgotten in England. He then requested me to go and see his sons, whom I found in great numbers with the second King, ready to receive me; some of them were remarkably fine men. I was then presented with some cola-nuts in accordance with the custom of the country, which broke up the palaver, and I returned to King Massaba, with whom I had a long palaver about Dr. Baikie. He informed me that he had gone to Kano after the papers and effects of a Dr. Vogel, who had been murdered there, and that he had recovered the papers; the King had given him horses and men, but did not seem pleased at his going, whether

through fear of harm coming to him, or that he should go on to Socatoo, and remain there, I could not find out (as the Sultan of that place is more powerful than Massaba), the latter being tributary to him. The camp here is on a very large scale; and I have been informed he has upwards of 5,000 horsemen: his reason for being encamped is on account of an order from the Sultan of Socatoo to open the road between Bida and Socatoo, as the messengers were frequently robbed and murdered passing between those places, so that Massaba has taken the whole country, dethroning the Kings, and placing guards of his own men in their towns. Came twelve miles in a northerly direction this day. The camp is situated near a river called Talaware, and the country named Combalie.

Friday, September 26.—Had a long palaver with the King to-day; he spoke a good deal about Dr. Baikie, and again expressed his dissatisfaction at him going away, and not returning in time for the ship, as he had promised. I read to him a letter from the Governor of Lagos; and he replied, "It is good," and promised on his return to Bida he would open a road to Lagos. He then informed me he was going to send a large present to the ship, consisting of two bullocks, ten sheep, yams, honey, rice, butter, &c., for which I, of course, thanked him. He then placed me in a very awkward position by asking me for a ship's revolver I brought up for my protection. I informed him it was not my property, but belonged to Government; when he immediately replied, "Your Government will not mind my having it." So on consideration I thought it impolitic to refuse him before so many of his Chiefs, so I took the responsibility of presenting it, trusting my conduct in doing so would on consideration meet the approbation of the Commodore.

Saturday, September 27.—In the course of the day the King sent six of his great War Chiefs on horseback to my house; they certainly were ferocious-looking fellows, but the quantity of dress, both on men and horses, must render them useless in battle. He has 250 like them, and they only stand still in battle to frighten the enemy.

Called on the King in the afternoon, and he told me he felt sure I would neither hear nor see Dr. Baikie this year, but promised to send his letters to Lagos whenever he received an answer, as he had sent a messenger to Dr. Baikie on my arrival, with the letters and despatches I had brought up for him.

From September 27 to October 2, nothing of importance occurred, I being ill from an attack of fever most of the time.

On the morning of the 2nd, called on the King to wish him farewell. He sent a Chief, and one of Dr. Baikie's men, who understood English, to accompany me to Rabba, to take charge of Dr. Baikie's things. Arrived at noon at Lucoloo, where I remained for the night.

From the 3rd to the 7th of October I again travelled the same road as I came up, so there is nothing of importance to relate. On the afternoon of the 7th I again reached the ship, and felt very pleased at finding all well on board.

October 8.—My Kroomen, and the Chief that Massaba had sent, arrived, so made preparations for proceeding down the river on the following day. Had a long palaver with the Chief, who informed me it was King Massaba's intention to conquer the country right down to the mouth of the river for trade under his protection.

Thursday, October 9.—Weighed at 6 A.M., and proceeded close to the shore; landed forty-nine articles belonging to Dr. Baikie, and gave them in charge of a Chief called Sonafadder. This Chief then came off, and we had another long palaver, which detained me till 1 P.M., at which time a messenger from King Massaba arrived, informing me that the King had heard from Dr. Baikie, and that he was on his way back to the camp, and requested me to wait a few days longer; but this I knew would be of no use, as I could not possibly get an answer from the camp under ten days; and the water having already fallen 2 feet 7 inches, I did not consider myself justified in remaining another hour. At 1:30 P.M. started from Rabba; found it difficult to steam with wood; made thirty-five miles.

October 10.—Anchored at Egga, and sent on shore a messenger from King Massaba to order some wood. Remained at Egga Saturday and Sunday receiving wood.

On the morning of the 13th started for the Confluence, and arrived there at 5 P.M.; picked up coal-boat. Anchored off Dr. Baikie's Settlement for the night.

October 14.—Weighed, and proceeded to Ighebe, where I remained until the 19th wooding ship, and waiting for any despatches that might by chance come down from Dr. Baikie.

October 19.—I was so ill the doctor advised my returning down the river. Started for the mouth of the river; made sixty-three miles.

October 20.—Anchored off Onitsha, and filled up with wood.

October 21.—Proceeded down the river, and anchored seven miles below Ebo; made twenty-three miles. Found the river here had not fallen; in fact, it was more flooded than on our ascent.

October 22.—Started for the mouth of the river, at which place we anchored at 5 P.M., having made 111 miles.

October 23.—Remained at Akassa, and completed with wood and prepared for sea.

October 24.—At 5 A.M. started to cross the Nun bar, which we found very smooth. Proceeded for Lagos; weather very favourable.

October 25.—Proceeding for Lagos, in the outer roads of which place we anchored at 7:15 P.M.

I am happy to state that during the fifty-three days Her Majesty's ship "Investigator" was up the river, the health of the ship's company was exceedingly good, only a few cases of slight fever occurring, and that amongst the men received from Her Majesty's ship "Brisk," who had not been accustomed to river-work, my own men remaining perfectly healthy.

Owing to the clearness and correctness of Lieutenant Glover's charts, the services of Mr. Southwick as Pilot were not required; he, however, was most zealous and useful on many other duties.

I have, &c.
(Signed) B. L. LEFROY.

No. 95.

Commander De Walsh to Rear-Admiral Sir B. Walker.

Sir,
"Rattlesnake," off Whydah, January 5, 1863.
I HAVE the honour to inform you that no despatches are forwarded by this mail, on account of the absence of Commodore Wilmot on a visit to the King of Dahomey at Abomey.

I have learnt, through Mr. Dawson, a native merchant at this place, that the Commodore has been very well received by the King and people, and that the visit is likely to lead to results satisfactory towards the suppression of the Slave Trade on this part of the coast.

I have, &c.
(Signed) THOS. A. DE WALSH.

No. 96.

Commander Douglas to Commodore Edmonstone.

*"Espoir," at Sea, Lat. 7° 1' S., Long. 12° 34' E.,
October 31, 1862.*

Sir, I HAVE the honour to inform you that I this day caused to be boarded the barque "Ann and Mary," belonging to the United States. Her papers being found correct, and no complaint being made, she was allowed to proceed on her voyage.

I have, &c.
(Signed) SHOLTO DOUGLAS.

Inclosure 1 in No. 96.

Commander Douglas to Commodore Edmonstone.

Sir, I HAVE the honour to inform you that I this day caused to be boarded the barque "Swallow," belonging to the United States. Her papers being found correct, and no complaint being made, she was allowed to proceed on her voyage.

I have, &c.
(Signed) SHOLTO DOUGLAS

Inclosure 2 in No. 96.

Commander Hoskins to Commodore Edmonstone.

*"Zebra," at Sea, Lat. 7° 6' S., Long. 12° 40' E.,
September 24, 1862.*

Sir, I HAVE the honour to report that the American barque "Nye" has this day been boarded by a boat from Her Majesty's ship under my command, for the verification of her nationality. The boarding officer's Report is herewith inclosed.

I have, &c.
(Signed) A. H. HOSKINS.

Inclosure 3 in No. 96.

Lieutenant Lang to Commander Hoskins.

*"Zebra," at Sea, Lat. 7° 6' S., Long. 12° 40' E.,
September 24, 1862.*

Sir, I HAVE the honour to report that, in obedience to your orders, I this day, accompanied by Mr. R. J. Hughes, Midshipman, boarded the American barque "Nye," of New Bedford.

I examined the register of the vessel, which was apparently correct.

The master did not wish that any notation should be made in the log, nor did he made any complaint.

I have, &c.
(Signed) C. L. LANG.
(Signed) R. J. HUGHES, *Midshipman, accompanying Visiting Officer.*

Inclosure 4 in No. 96.

Commander Hoskins to Commodore Edmonstone.

*"Zebra," at Sea, Lat. 6° 0' S., Long. 10° 39' E.,
October 25, 1862.*

Sir, I HAVE the honour to report that the American brig "Leonidas" has this day been boarded by a boat from Her Majesty's ship under my command, for the verification of her nationality.

The boarding officer's Report is herewith inclosed.

I have, &c.
(Signed) A. H. HOSKINS.

Inclosure 5 in No. 96.

Lieutenant Farquharson to Commander Hoskins.

"Zebra," at Sea, Lat. 6° 0' S., Long. 10° 39' E.,
October 25, 1862.

Sir,

I HAVE the honour to report that, in obedience to your orders, I this day, accompanied by Mr. E. T. Piper, Midshipman, boarded the American brig "Leonidas," of Westport.

I examined the register of the vessel, which was apparently correct.

The master did not wish that any notation should be made in the log, nor did he make any complaint.

I have, &c.

(Signed) CHAS. H. FARQUHARSON.

Witness:

(Signed) E. T. PIPER, *Midshipman, accompanying Visiting Officer.*

Inclosure 6 in No. 96.

Commander Smith to Commodore Edmonstone.

"Torch," at Sea, Lat. 5° 24' S., Long. 8° 21' N.,
October 5, 1862.

Sir,

I HAVE the honour to inform you I this day boarded the American whale-brig "Leonidas," of Westport, the master of which vessel wished to communicate, he having shortened sail, and hove-to, when a mile a-head of us.

I have, &c.

(Signed) J. H. SMITH.

No. 97.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

Sir,

"Rattlesnake," *Fernando Po*, February 6, 1863.

I HAVE received instructions from the Admiralty directing that the senior officer should give such protection as it may be in his power to afford to the British factories established in the Congo, should they not have been withdrawn, and to use his discretion in regard to exacting reparation for the outrages already committed by the natives.

I beg to inform you that I propose to visit the Congo about the beginning of June next, when I shall personally direct such measures to be taken as will fully carry out their Lordships' instructions.

I have, &c.

(Signed) A. P. EARDLEY WILMOT.

No. 98.

Commander Hoskins to Commodore Edmonstone.

Sir,

"Zebra," off *Mangue Grande*, October 4, 1862.

I HAVE the honour to report to you that I yesterday morning captured off this place a barque, without name, papers or colours, and whose figure-head had been sawn off, fully equipped for the Slave Trade.

Spanish colours were shown for a short time while we were approaching her, but were hauled down before she was taken possession of.

The master declined giving any information respecting her, and every document had been most carefully destroyed.

I landed the crew at *Mangue Pequeno*, and despatched her last night to St. Helena for condemnation, in charge of Lieutenant Lang and a prize crew.

I have, &c.

(Signed) A. H. HOSKINS.

No. 99.

Commander Hoskins to Commodore Edmonstone.

Sir, "Zebra," off Point Padron, November 19, 1862.

I HAVE the honour to report to you that the Portuguese schooner "*Mondego*," of 100 tons, belonging to Lisbon, and which arrived in the Congo from St. Thomas, ostensibly bound to Loanda, about the 10th October, left that river on the evening of the 21st October with 494 slaves on board.

The information I have on that subject is unquestionable, and in making this report to you, in order that you may take such steps as you deem requisite to ensure the payment by her sureties of the bonds without which she could not have left Lisbon for the coast of Africa, I must express a hope that no false certificate of her loss will be allowed by the Portuguese authorities in this instance to defeat the ends of justice, as has frequently happened.

I have, &c.
(Signed) A. H. HOSKINS.

No. 100.

Commander Hoskins to Commodore Edmonstone.

(Extract.)

"Zebra," off Point Padron, October 19, 1862.

I HAVE the honour to inform you that on the morning of the 10th instant, Point Padron bearing north-east about fourteen miles, I chased and boarded the Dutch barque "*Jane*," from Rotterdam and Elmina, and last from Kinsembo. The boarding officer thinking her very suspicious I proceeded to examine her myself, and carefully inspected her papers and hold.

The former, though apparently regular as far as they went, were deficient in some important items, particularly in there being amongst them no bond such as is exacted by the Government of the Netherlands from every vessel proceeding to the coast of Africa, no Custom-house clearance from Elmina, and no manifest. Her hold was in ballast, with the exception of the provisions and water for the crew, a considerable amount of cabin stores and provisions, and a number of shakes sufficient, as far as could be computed, to set up thirty more water-casks.

Under these circumstances I determined to detain her and send her in for adjudication, but found, on looking over my slave warrants, that the "Special Order" for acting on the Netherlands Treaty had not been forwarded to me; I therefore anchored her off Point Padron, and having unsuccessfully endeavoured to communicate with Commander Wratislaw of Her Majesty's ship "*Ranger*," kept her there till I was joined on the 14th instant by the "*Espoir*." Commander Douglas agreed with me that there was not the slightest doubt of her being engaged in slaving, and as he considered the authority possessed by him sufficient to act upon, I released the vessel on the evening of the 14th, and he shortly after, with my full consent, took possession of her, and dispatched her on the 16th to the Court of Mixed Commission at Sierra Leone for adjudication. Much corroborative evidence has been obtained by Commander Douglas and myself of the illegal object of her voyage, which is, however, *prima facie* sufficiently evident, as no honest trader ever visits this coast in ballast.

The apparently new plan of using, or rather abusing, the Dutch flag as the American has so long been, will I trust be checked by her detention.

Inclosure in No. 100.

[See No. 92.]

No. 101.

Commander Douglas to Commodore Edmonstone.

“*Espoir*,” at Sea, Lat. 7° 29' S., Long. 12° 27' E.,
September 12, 1862.

(Extract.)

I HAVE the honour to report that, on the 10th instant, I boarded the United States barque “*Ocilla*,” at 9 P.M., Point Padron bearing at the time south-east 2'.

The “*Ocilla*” had left Havana with a cargo of sugar, which she discharged at Havre, and then took on board her present cargo. I have no doubt this vessel is intended for the Slave Trade, but her papers being correct I could not detain her. The system on which she is acting appears to be much the same as that adopted by the “*Clarissa*.”

The “*Ocilla*,” at the time I boarded her, was making for the Congo, which she entered the next day.

The vessel was detained about forty minutes; I noted my visit in the log, and the captain had no complaint to make.

No. 102.

Commander Hoskins to Commodore Edmonstone.

Sir,

“*Zebra*,” off Point Padron, October 2, 1862.

I HAVE the honour to report that the American barque “*Ocilla*,” of New York, was boarded, on the 28th of September, by the pinnace of Her Majesty's ship under my command, for the verification of her nationality.

There is not the slightest doubt that this vessel is waiting an opportunity to embark a cargo of slaves, but at present there is nothing to warrant interference with her. The boarding officers' report is herewith inclosed.

I have, &c.

(Signed) A. H. HOSKINS.

Inclosure in No. 102.

Lieutenant Farquharson to Commander Hoskins.

Sir,

“*Zebra*,” off Point Padron, October 2, 1862.

I HAVE the honour to report that, in obedience to your orders, I boarded, on the 28th of September, accompanied by Mr. L. H. M. Maxwell, Master's Assistant, the American barque “*Ocilla*,” of New York. I examined the register of the vessel, which was apparently correct. I made a notation in the ship's log, and the master made no complaint.

I have, &c.

(Signed) CHAS. H. FARQUHARSON.

Witness:

(Signed) L. H. M. MAXWELL, *Master's Assistant, accompanying Visiting Officer.*

No. 103.

Commodore Wilmot to Rear-Admiral Sir B. Walker, January 29, 1863.

Report of his Visit to the King of Dahomey.

[Laid before Parliament in June 1863.]

No. 104.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

(Extract.)

“*Narcissus*,” at Sierra Leone, February 17, 1863.

WITH reference to your letter of the 9th January last, inclosing copy of a letter from Mr. Freeman, the Governor of Lagos, reporting the shipment of a cargo of slaves from Aghwey, on the 20th of October last, in a steamer bearing

French colours, I have the honour to forward, for the information of the Lords Commissioners of the Admiralty, copy of a letter I have received from Commander Beamish, of the "Wrangler," relative to the shipment referred to, which has been confirmed from other authentic sources.

Inclosure in No. 104.

Commander Beamish to Rear-Admiral Sir B. Walker.

Sir,

"Wrangler," *Sierra Leone, February 14, 1863.*

IN obedience to your Memorandum A, 1,069, of this day's date, I have the honour to report the particulars, so far as I am cognizant of them, of the reported shipment of a cargo of slaves by a steamer at Aghwey on the 20th October, 1862.

Her Majesty's ship under my command arrived at Accra from Ascension on the day in question.

Her Majesty's ship "Mullet" was at anchor there for the necessary protection of the place, consequent upon the mutiny of the Gold Coast Artillery Regiment; she was almost entirely out of coals and left for Fernando Po that evening.

Commander Simpson of the "Mullet" informed me that a slave steamer was reported to be off the coast.

On the 2nd November, I communicated with Her Majesty's ship "Lee," whose cruising-ground was off St. Pauls, and about twenty miles east and west of it. Commander Symons also informed me that a steamer was reported to be off the coast, and that he had a few evenings before chased a French gun-boat, mistaking her for a slave, and that his boarding officer had met with anything but a satisfactory reception from her; his boat did not go alongside. This gun-boat turned out to be the "La Motte Piquet."

On the 4th I communicated with Her Majesty's ship "Griffon," and by Commander Perry I was given the following information, viz., that previously to the 20th October, he had received intelligence that a shipment was to be made, and that though he did not rely upon the locality named, he nevertheless believed in the rumour of an approaching shipment.

On the 2th October he stood in towards the land, and when doing so he observed a steamer to which he gave chase; however he did not come up to her until she had anchored at Whydah, when he found her to be the "La Motte Piquet;" while being chased she had steamed from the westward (the direction of Aghwey) towards Whydah. Her Majesty's ship "Wye" was at anchor at Whydah at the time.

A few days afterwards he had been informed that on the day, and at the very time that he was chasing the "La Motte Piquet," a steamer had gone into Aghwey from the westward of it, and had successfully shipped a large cargo of slaves there.

On the 9th November I arrived at Lagos, and the shipment of the slaves on the 20th October was spoken of by everybody; I was told that two Portuguese who had been employed to effect the purchase, &c., of the slaves left in the "Athenian" mail-steamer for Europe on the 10th.

Captain Burton, Her Majesty's Consul at Fernando Po, took a passage in the "Athenian." On the 17th November I anchored at Little Popoe, eight miles from Aghwey, and I went on shore; the Little Popoe people are, I believe, the only ones on the coast who do not allow slaves to be shipped at their town—they are at war with the Aghweyans; I met and conversed with at least twenty people who had been eye-witnesses of the arrival of the steamer and of the shipment of the slaves; one man's brother had been carried off in her.

I have not a doubt that the shipment took place, and on the very day in question.

As to the slaver having hoisted French colours, it is the only matter about which I am uncertain, as some people said she hoisted no colours. The shipment took place in the forenoon.

I have, &c.

(Signed) H. H. BEAMISH.

No. 105.

Commander Beamish to Rear-Admiral Sir B. Walker.

(Extract.)

"Wrangler," *at Sea, February 4, 1863.*

HEREWITH I have the honour to transmit a letter, reporting the capture of a ship, name and nation unknown.

A copy of the inclosed letter has been forwarded to the Commander-in-chief, through Commodore A. P. Eardley Wilmot, C.B.

Inclosure in No. 105.

Commander Beamish to the Secretary to the Admiralty.

(Extract.)

"Wrangler," *at Sea, December 31, 1862.*

I HAVE the honour to report to you the capture, by Her Majesty's ship under my command, on the 28th instant, in latitude 14° 37' south, longitude 9° 19' east, Little Fish Bay east $\frac{1}{2}$ north about 172 miles, of a full-rigged ship, perfectly equipped for the Slave Trade, and ready to receive from 1,000 to 1,300 slaves.

This vessel, when we sighted her, was lying with her head to the southward, under reefed topsails, and at first I was inclined to believe her to be a whaler. She soon wore round, however, and set every sail she could carry, but we came up with her after about four hours' chase under steam. She showed no colours, and had no papers, and

her captain when I went on board called her the "*Josephine*." This was her actual but new name, for the next morning I had not much difficulty in making out on her stern the name "' *Island Queen*,' Washington, D.C.," though means had been taken to erase it, and the new name had not been put on.

The crew (twenty-one in number), were, I believe, Portuguese and Spaniards, and only one could talk English, even imperfectly: he might have been of any nation.

On the following day (having towed the prize during an almost calm night) I removed from her ten of her crew, and putting on board two officers and eleven men, parted company, having ordered her to proceed to St. Helena, to which island I was also going.

She was in sight a-head of us all the following day, but as she is a very fast sailer I have not seen her since.

From different sources I have been able to ascertain what I hope will turn out to be useful information, as to the devices of the slave-dealers now that they dare not claim American nationality when caught in the act of slaving or equipped for that purpose.

The "*Island Queen*" was fitted out in the United States or Havana in March 1862, with United States' colours and papers, and was commanded by R. Denham, a noted slave captain, and the man, I believe, who successfully ran a cargo in the schooner "*Wanderer*" not very long since.

The vessel proceeded to Cardiff or Swansea, and there took in a cargo of coals for Cadiz. Arrived at that place she discharged all her coal, except a few tons, sufficient for her next trip; and she remained at anchor in Cadiz Bay to fit for slaving.

Before fitting for the coast of Africa she is said to have changed ownership, and to have taken out Spanish papers under the name of "*Josephine*." Two persons (brothers), said to be Portuguese, named Botelho, made no disguise of being part owners; one of them took a passage out in the slave-vessel, and the other in the Portuguese mail-steamer (the "*Estafania*" I understand) to St. Paul de Loanda, carrying out the purchase money for the slaves.

A nephew of theirs (a Portuguese youth named Teixeira Souza) took a passage in the ship, being about to enter a merchant's office in Havana: 20,000 dollars were given to the American owners for the ship.

She received during her stay a new captain (a Portuguese named Luis Fonseca), and a Portuguese and Spanish crew (at least they spoke those languages), though denying any nationality.

I am informed that Denham, the American captain, took command, on leaving, of an American brig, one of five other vessels (one a steamer) fitted at Cadiz for the Slave Trade.

The Spanish authorities appear to have put no difficulties in the way while she was preparing for a slave voyage, and to have visited her after having received all her slave equipments.

The shipping agent who engaged the new crew did so undisguisedly for the Slave Trade; and the agreement was made, that should the voyage be successful, each seaman should receive 400 dollars, but that if they should be captured they should receive nothing.

On joining each man received twelve months' pay at 16 dollars per mensem in advance; legal Spanish ships seldom give half that rate of pay.

Rice, beans, fish, biscuit, slave medicines, wooden spoons, tin dishes, &c., were received at Cadiz in sufficient quantity to last about 1,900 slaves from Africa to Cuba, and she actually got in 300 pipes of fresh water, plank for her slave deck, very large quantities of firewood, and her slave-coppers for cooking.

She was supplied with four ensigns before leaving. They were Spanish, American, French, and Dutch: the latter is reputed just now amongst slave-dealers to be a very safe flag. On the 21st September she left Cadiz, and came out (touching nowhere) to Alucica Grande, near Equimina Bay, in Angola, off which she arrived on the 26th November, and landed her part-owner and supercargo Botelho, communicated with her consignee, from whom directions were received to cruize at sea until the 4th January, and then to return to Alucica Grande, where she would receive directions about her slaves, which were to be ready by that date.

I have reason to suspect that her slaves were to be put on board at Equimina or Elephant Bay, and were to be supplied by a man residing at Equimina who has large sugar plantations and a distillery there.

Her first mate was a Spaniard named Domingo Raieira; he had been in the Spanish navy, and held a commission from the Queen of Spain as "pilot."

Her boatswain was a Portuguese (an old hand at the Trade, who fitted her slave-deck and set up her slave cooking-apparatus on the voyage out). This fellow was in Her Majesty's ship "*Heron*" when she capsized, and he has made several successful and a few unsuccessful voyages. He did not in the least take to heart being captured, but trusts to be back to Cadiz quickly to venture again at his piratical villainous calling. He was once in a steamer, the "*El Mina*," alias "*Guliermina*," alias "*Salvador*," which successfully ran slaves to Cuba.

Most heartily do I wish it were in my power to bring him and his associates to justice on the simple grounds that they are pirates, and claim no nationality. As matters stand at present, the crews of slavers taken with no colours or papers get most politely treated as prisoners of war; but with this difference, that instead of being incarcerated, they are landed at the most convenient place on the coast, and are received with open arms by their confederates.

I have much pleasure in stating that his Excellency the Governor of St. Paul de Loanda, as also the Governor of Benguela, informed me that they had suspicion of slaving at Equimina.

I have since heard that a barque shipped slaves there about a month ago. How true this may be I cannot tell; I have only the authority of the slaver's crew for it.

No. 106.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

(Extract.)

"*Narcissus*," *Sierra Leone*, February 20, 1863.

IN carrying out the intention communicated in my letter of the 17th December last, I left Simon's Bay in this ship on the following day to inspect the West Coast of Africa Division of my command. I have now the honour to submit the following observations for the information of my Lords Commissioners of the Admiralty.

I first touched at Walwich Bay, and found it to be spacious, and sheltered from every wind capable of affording protection for any amount of shipping. It is

easy of access, and, from information the fishing party stationed there gave me, it rarely ever blows hard, and is a smooth-water bay at all times. The shores are sandy and barren, and although fresh water is scarce, yet bullocks, sheep, and vegetables can be obtained from the natives after a short notice. The fish are good and in great abundance, and, with the exception of the want of fresh water, this bay is a most eligible place for a coaling-station as a half-way point between St. Paul de Loanda and the Cape of Good Hope.

From Walwich Bay I kept within sight of the land looking into Great Fish Bay, Port Alexander, and anchored in Little Fish Bay. On the 2nd January I carefully examined the intermediate coast, and, with the exception of a small fishing-station at Port Alexandra, could observe no indication of natives or towns, which confirms me in the belief that no business, illicit or otherwise, is done between Port Alexandra and Walwich Bay.

Little Fish Bay, a Portuguese port, is considered a very healthy place. The Settlement of Mossamedes appears to be prosperous and increasing. A considerable quantity of fish is caught and prepared for exportation. The country here assumes a less barren appearance. Access to the interior is easier, and a small trade is conducted with the natives, who barter ivory, skins, guns, and cattle for cottons and hardware.

The lung disease which has prevailed had destroyed vast herds of cattle, and the oxen to be obtained were in such bad condition as to be scarcely fit for food. The same disease was existing in the neighbourhood of Walwich Bay, appearing to be southward. The supplies of fresh stock, represented to be abundant here, although sufficient for the small vessels on the coast of Africa, fell far short of the requirements of a ship of this class.

I saw some fair specimens of copper ore at Mossamedes which was collected at Campeo Armata, also some apparently good samples of cotton (raw material) grown on a small plantation near Port Alexander. Considerable attention is now directed to the cultivation of this plant.

I was informed that the "Wrangler" had called at Little Fish Bay, and left the day after Christmas-day, having taken in nineteen oxen for conveyance to Ascension; but as the Portuguese would not eat of these animals themselves, in consequence of the disease referred to, I have forbidden any more being shipped by Her Majesty's cruisers, and hope that the sickness has not been carried to St. Helena and Ascension.

I met a Portuguese civil engineer, Senhor Monteiro, at this place, who had been educated in England, and is now employed by Senhor Flores (once a notorious slave-dealer) to examine and report upon the copper discovered at the following places, Cuio or Quash, Ambriz, Chapeo Armata, Benguela. From the former of these mines as much as 3,000 tons of ore had been shipped in a year. This gentleman states that he has not yet found a good lode; and all the ore that he has hitherto seen is chiefly found on or near the surface, having been probably thrown up by volcanic action.

Leaving Little Fish Bay on the 3rd of January, I made a close examination of the coast for indications of Slave Trade barracoons, &c., until I anchored off Benguela on the 6th. Here there were large numbers of slaves seen on shore by the officers; and as little legal commerce of any kind apparently existed, I have no doubt that the Slave Trade is very rife in this locality. I received information that a Spanish slave-barque was expected in the neighbourhood, but although a good look-out was kept no trace of her could be discovered. I then continued my course along shore to St. Paul de Loanda, and caused the several suspected shipping-places, viz., Ogito, Novo Rodondo, to be searched, but no craft of an illegal character were seen; several foreign vessels were boarded, but at the time were under the protection of apparently legal papers.

I arrived at St. Paul de Loanda on the 9th of January, and regretted to find that the previously reported death of Mr. Gabriel, Her Majesty's Commissioner of the Mixed Commission Court, was confirmed. I am informed that he died on board Her Majesty's ship "Torch" on the 14th of December last from dysentery. His loss to Her Majesty's Government will be much felt, and his good offices and kindness to the cruisers on the station greatly missed. He was held in high estimation by the Portuguese authorities, who caused his body to be interred with military honours in the absence of any Consular authority. Mr. E. H. Hewett, the Clerk to the late Commissioners, had taken charge of everything, and had been authorized by the Senior Naval Officer of the division to act as Vice-Consul—a measure I

approved—until the newly appointed Consul should arrive. I would here observe that no time should be lost in sending out another intelligent Commissioner on the part of the British Government, in order to prevent the revival of the spirit for Slave Trade, to which the late Mr. Gabriel, by his knowledge of the Portuguese people on the coast, was a great check. I found Her Majesty's ship "*Antelope*" coaling here.

The Portuguese Governor-General, who has lately assumed the Government of the Province of Angola, was indisposed from fever, and unable to give me an interview, which I regret; but I am glad to learn from many sources that he discourages every disposition to deal in slaves so far as his limited power will permit, and has discontinued the emigration to St. Thomas.

I examined the coal-depôt in charge of Mr. Hewett; and the arrangements, which are satisfactory at present, will bear improvement, when the storehouse (now in rather a dilapidated state) shall require to be re-built, in which case it should be placed close to the water's edge.

I weighed from St. Paul de Loanda on the 11th of January, and keeping the coast well in view, could observe that great facilities exist for carrying on Slave Trade, which nothing but the watchfulness of our cruisers can check. It has, notwithstanding, been very actively conducted in this locality. I fell in with the "*Torch*" off Mangue Grande, which vessel afterwards joined me in the Congo River, together with the "*Zebra*."

I am pained to find that the Slave Trade in the Congo River is still very brisk; and notwithstanding the vigilance and arrangements of Commander Hoskins, of the "*Zebra*," two large cargoes of slaves had been run from the river in the darkness of night about the 16th and 21st of October last. The vessel was a large barque, named the "*Ocilla*," with 1,540 slaves, supposed to be American; the other the "*Mondego*," a Portuguese brigantine, with upwards of 500 slaves. A Spanish brig, a schooner under French colours, and a Portuguese brigantine were up the river, suspected to be waiting an opportunity to ship a cargo of slaves. I purpose to increase this division permanently from four to six cruisers.

I next visited Cabenda on the 18th January, where I found the "*Espoir*," Commander Douglas, who had been actively cruising. Here the weather was wet, accompanied by tornadoes, but I pursued my way close in-shore to Cape Lopez and Fernando Po.

On arrival at this island, Fernando Po, on the 26th January, I anchored in the adjoining bay to Clarence Cove. On the following day the French Commodore, the Baron Didot, arrived in the frigate "*Junon*." We had a very cordial interview, and parted on the most friendly terms.

I should remark that the Spanish Governor at Fernando Po seems to be disposed to afford every assistance to Her Majesty's ships calling at that island.

Having made the best of my way to Lagos, which I reached at 8 A.M. on the 31st January, I was greatly disappointed to find that Commodore Wilmot, who had returned safely from Abomey, had left the same morning at 4 o'clock for Fernando Po to coal; the weather being thick from the smoke prevailing prevented the ships being seen by each other. I consider that a small depôt of coal is much required for the cruisers in this part of the Bights.

As the Governor of Lagos, Mr. Freeman, was unwell, and I was anxious to know the state of affairs at this Settlement, I paid him a visit, and found him in a low state from fever. He informed me that all communication with Abbeokuta had been closed for the last fortnight in consequence of its people (the Egbas) combining with another tribe, the Ibaddans, to shut out the Eboes from trading with Lagos. As, however, this interruption will be severely felt at Abbeokuta, Mr. Freeman appeared to be sanguine that it would soon terminate in amicable arrangements, and he was under no apprehension of hostilities.

Mr. Freeman further informed me that in consequence of the towns of Palma and Badagry, each about thirty miles to the east and west of Lagos, interfering much with the collection of the revenue of his Government, he had decided measures for taking possession and establishing Custom-houses at those places, which he had hoped to do without difficulty or opposition, and for which he had the sanction of the Home Government.

I see no way to suppressing the Slave Trade now confined to this locality in the Bights, but to maintain for a few years longer a continuous line of gun-vessels from Cape St. Paul to Lagos, which is being done as far as possible by the three cruisers and their boats now stationed there.

I fell in with Her Majesty's ship "Ranger," the Senior Officer of the Bight Division, off Quittah, and learnt from him that the Governor of the Gold Coast was desirous of the presence of a ship of war at Accra, as the "Mullet" was the only other vessel then on this Division. The "Lee" having gone to Fernando Po to coal, I proceeded at once to that place and anchored there on the 4th February.

At my interview with Mr. Pine, the Governor of the Gold Coast, he informed me that the Orobo Chiefs were giving some trouble, in consequence of their non-fulfilment to pay up their tribute to the Government. It appears that for some years an English merchant had paid it for them, but now they both repudiated their debt to him and the Government. Mr. Pine had therefore taken steps to compel them to fulfil their engagements, by which he thought he would soon accomplish that object.

Mr. Pine and the Chief Justice being desirous to return to the seat of Government, I gave them a passage thither in my flag-ship, and landed them at Cape Coast Castle.

All the buildings of masonry at Accra, including the fortifications, have been nearly shaken to ruins by the recent severe earthquakes.

As I learnt by a letter received at Lagos from Commodore Wilmot, that he intended to proceed to this port from Fernando Po, I have hastened here to intercept the mail-packet from England, and to await his arrival.

In conclusion, I must record my satisfaction at the appearance of the several cruizers which I have fallen in with; and I may add that although some slave-vessels have escaped, yet it has not been from lack of activity or vigilance. The Commanders I have met are very efficient officers, and appear to have the liveliest interest in the service upon which they are employed. It is also gratifying to state that the crews were generally enjoying good health.

Commodore Wilmot joined me here yesterday; his reports of his visit to King of Dahomey, which have been forwarded to their Lordships, will be read with much interest, and I cannot but admire the spirit and determination with which he performed that difficult service.

I purpose to leave this evening on my return to the Cape, touching at Ascension, to inspect that island.

No. 107.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir,

"Narcissus," *Fernando Po*, January 28, 1863.

I BEG to inclose, for the information of the Lords Commissioners of the Admiralty, the copy of a letter I have received from Commander S. Douglas, of the "Espoir," relative to the English schooner "White Mouse," of Bristol, conveying Africans from Brass River to Fernando Po.

Having called upon the Acting Consul at this place for an explanation of this subject, I forward herewith his reply, and would beg to observe that had I met the "White Mouse" at sea with these men on board, I should have seized her for infringement of the Act of Parliament on Slave Trade; therefore I submit whether the Acting Consul is right in allowing these proceedings.

I have, &c.

(Signed) B. W. WALKER.

Inclosure 1 in No. 107.

Commander Douglas to Commodore Wilmot.

Sir,

"Espoir," at Sea, Lat. 2° 40' S., Long. 9° 20' E.,
December 2, 1862.

WHEN at Fernando Po, on the 27th ultimo, a British schooner arrived and anchored in the bay, named the "White Mouse," owners Burford and Townsend, Captain Thompson; she was from Brass River.

It was not until after leaving port that I heard, on good authority, that this vessel had landed about thirty Africans immediately on her arrival. These slaves (for there can be no doubt that they were slaves) appear to have been hired from the King of Brass for the service of a British trader at Fernando Po, on what terms I am unable to state.

The carrying such slaves seems to be, without doubt, an infringement of the British law relating to Slave Trade, and would render the vessel liable to capture if met by one of Her Majesty's cruizers. If such is the case

the landing of these people (which took place in Clarence Bay), in the presence of five men of war, is an infringement of our Treaty with Spain.

The export of any slaves is also forbidden to the King of Brass by his Treaty with Great Britain.

I had the honour to mention, in a former Slave Trade Report (October 1861), the fact of a large number of slaves being sold down the Niger, at Aboh, to the Brass people. May not this be one of the means by which they again find a receiver for the slaves so purchased, and thus help to perpetuate a system of slave-hunts in the interior of the country?

I was informed by Her Britannic Majesty's Acting Consul at Fernando Po that he thought it was the intention of the Spaniards to attempt the system of free emigration to the Colony of Fernando Po, as a circular had been sent round to all the residents, asking them how many labourers they could employ; but I received no notice of any such system having commenced under the British flag.

There is a great want of labour of any kind at Fernando Po, which would no doubt induce many more attempts of this kind to obtain labourers who might, by a very slight step, become the property of Europeans.

As this traffic appears to me, if allowed to proceed without some check, to be likely to revive some of the worst features of the Slave Trade on this part of the coast, I deem the subject of sufficient importance for a report from me, as authorized by Article 2, page 7, of the Slave Trade Instructions.

I have, &c.
(Signed) SHOLTO DOUGLAS.

Inclosure 2 in No. 107.

Rear-Admiral Sir B. Walker to Acting Consul Wilson.

Sir, *"Narcissus," at Fernando Po, January 27, 1863.*

HAVING been informed that the British schooner "*White Mouse*" arrived at Clarence Cove on the 27th November last with about thirty Africans, said to have been hired from the King of Brass, which Africans were landed on this island, I beg you will, in the absence of Her Majesty's Consul, be good enough to give me all the information in your power on this subject, stating by whose authority these Africans were conveyed in a British vessel, and to whom they were consigned, in order that I may lay the same before Her Majesty's Government.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 3 in No. 107.

Acting Consul Wilson to Rear-Admiral Sir B. Walker.

Sir, *Fernando Po, January 27, 1863.*

I HAVE the honour to report, in reply to your despatch of this date, that the schooner "*White Mouse*," of Bristol, arrived here on the 27th of November last, with seventeen Benito men on board. These men had voluntarily entered into an engagement with Captain Townsend (a resident here and part owner of the "*White Mouse*") to serve him for the term of six months, for wages at the rate of 3 dollars per month, and they are to be furnished by Captain Townsend with a passage to Benito at the expiry of that time.

I have, &c.
(Signed) FRANK WILSON.

No. 108.

Commodore Wilmot to the Secretary to the Admiralty.

(Extract.)

Fernando Po, February 6, 1863.

I BEG to state, for the information of my Lords Commissioners of the Admiralty, that on reference to the letters from the officers commanding Her Majesty's ships on the South Division, reporting the boarding and detention of vessels engaged in the Slave Trade, and of others whose nationality have been suspected, it will be observed that the United States' barque "*Ocilla*" was twice boarded, first by the "*Espoir*" on the 10th, and afterwards by the "*Zebra*" on the 28th September, 1862; but although she was strongly suspected by both vessels, she could not be detained, as her papers were to all appearance correct. I learn from Commander Hoskins of the "*Zebra*," that the "*Ocilla*" escaped on the night of the 16th October with a cargo of 1,400 slaves. He proceeded in chase as soon as he knew of her departure (which was not till the following day), but was unsuccessful in the pursuit. During his absence the Portuguese schooner "*Mondego*" escaped with 494 slaves on the 21st October; and I beg to refer you to Commander Hoskins' letter of the 19th November last, relative to this latter vessel.

No. 109.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir,

"Narcissus," off Sierra Leone, February 20, 1863.

WITH reference to your letter of the 4th of August last, relative to the schooner "*Buenaventura Cubano*," taken out of the hands of the Liberian authorities in the Gallinas River in June 1861, by the Commander of Her Majesty's ship "*Torch*," and calling for any further evidence which can be obtained relative to the illegal nature of the voyage of that vessel, I beg to inclose herewith such additional remarks on this subject as Commander Smith is enabled to furnish.

I have, &c.

(Signed)

B. W. WALKER.

Inclosure 1 in No. 109.

Commander Smith to Rear-Admiral Sir B. Walker.

Sir,

"Torch," off Congo River, January 16, 1863.

IN compliance with your instructions relative to any further information I may be able to offer in the case of the capture and destruction of the Spanish vessel "*Buenaventura Cubano*" in the Gallinas River in June 1861—

1. I have the honour to inclose a copy of a declaration made on oath by Lieutenant Martin before the Judge of the Vice-Admiralty Court at Sierra Leone.

2. These facts, sworn to by Lieutenant Martin, will no doubt clearly prove to the Spanish Government that the "*Buenaventura Cubano*" was actually engaged in a slave-trading transaction at the time of detention by the Liberian Government schooner "*Quail*."

3. During the week that elapsed between the issuing of the monition and the condemnation of the vessel in the Vice-Admiralty Court at Sierra Leone, the master and crew were lodging in the town, and neither during this time nor on the occasion of her condemnation as a vessel engaged in the Slave Trade, not entitled to the protection of any flag or nation, did either one or the other protest or offer one word in behalf of their vessel as being a legal trader.

4. Señor Calderon Collantes is in error when he states all the papers which might have led to the complete discovery of the truth were destroyed by the captors (Monrovia I presume). The vessel's papers (if there were any at all) were taken away by the master when he deserted his vessel, and I can confidently assert no papers of any kind were destroyed.

5. With regard to the statement made by the Liberian Consul-General, that her master had again re-appeared on the coast in the neighbourhood of the Gallinas for the purpose of procuring a cargo of slaves, I have no positive information of myself, as the "*Torch*" has been attached to the Southern Division of cruisers during the past year, but I have little doubt of the truth thereof; nevertheless the correctness or otherwise of this statement could be easily established by reference to the authorities at Sierra Leone.

I have, &c.

(Signed)

F. H. SMITH.

Inclosure 2 in No. 109.

Declaration of Lieutenant Martin.

In the Vice-Admiralty Court of Sierra Leone.

OUR Sovereign Lady the Queen against the topsail schooner, name unknown, name of master unknown, her tackle, apparel, and furniture, and the goods, wares, and merchandize lately on board the same, taken and seized by Frederick Harrison Smith, Esquire, Commander of Her Majesty's steam gun-ship "*Torch*," and subsequently destroyed by fire, and against all persons in general having, or pretending to have, any right, title, or interest therein.

I, John James Martin, Lieutenant of Her Majesty's steam gun-ship "*Torch*," Frederick Harrison Smith, Esquire, Commander, make oath and say as follows, that is to say:—

1. That the said Commander is duly authorized and empowered, by a warrant from the Lords Commissioners of the Admiralty, under the Statute 2 and 3 Vict., cap. 73, to make seizures of vessels engaged in the Slave Trade not being justly entitled to claim the protection of the flag of any state or nation.

2. That on the 13th day of June, 1861, being in latitude 7° north and longitude 11° 38' west, and standing in for the Gallinas, the officers and crew of the said steam gun-ship espied a fore-topsail schooner at anchor inside the bar; but the surf being too heavy for our boats to land, we went down to Soliman, and were informed by a krooman who came off to the vessel that the foretopsail schooner we had seen was there for the purpose of shipping slaves, and had landed a quantity of her slave equipments at the Gallinas. We therefore then returned to the Gallinas and anchored off the bar; and the said Commander then instructed me to proceed with our two whale-boats, and land to the northward of the bar; and upon landing I hauled the boats across the land into a branch of the river, and then proceeded towards the said schooner.

3. That on boarding her we found the Captain and crew were on shore, and a few Monrovia were pacing the deck as if they had taken possession of the vessel; and they confirmed the statement of the said krooman. I then examined the vessel and found—

1st. Seventeen large water-casks in her hold, capable of holding about 130 gallons each, being a larger quantity than was requisite for the crew of the vessel; a quantity of wooden spoons, such as are generally found in slave-vessels; and four large boilers, capable of cooking for a great number of persons.

2ndly. A sufficient quantity of plank for laying a second, or slave-deck, necessary tubs usually seen in slave-vessels, and a large quantity of firewood.

3rdly. A great quantity of rice, calavances, and fish, a quantity of food far beyond what might probably be requisite for the use of the crew.

4thly. The hatches were very large, and there were irons for gratings on board; and after the most diligent search I was unable to find any papers or flag, or any document of any kind, showing the right of the said vessel to claim the protection of the flag of any State or nation.

4. That upon the said Commander being informed of these several particulars, and that it would be very dangerous to attempt to take the schooner over the bar, he ordered me to seize and detain the said vessel (and after admeasuring her to destroy her by fire), which I accordingly did under the Act 2nd and 3rd Vict., cap. 73, by reason of her being engaged in and equipped for the Slave Trade, not being justly entitled to claim the protection of the flag of any State or nation; and upon our detaining the vessel, the whole of the Monrovia's went on shore.

(Signed) J. J. MARTIN.

On the 22nd day of June, 1861, the said John James Martin was duly sworn to the truth of this affidavit.

Before me,
(Signed) A. FITZJAMES, *Acting Judge.*

No. 110.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

(Extract.)

"Rattlesnake," Sierra Leone, March 16, 1863.

A PRIZE to the "Brisk," taken off Annabon, arrived here to-day with 270 slaves out of 368 which were on board when she was captured; nearly 100 have died on the voyage to this place, and the remainder are in a most wretched condition. They consisted of 82 men, 119 women, 79 boys, and 88 girls, who were all shipped at Cabenda and the Congo, and bound to Cuba. The vessel is a schooner of 150 tons, and had no name, papers, or colours.

It appears that she got clear off the coast, but was short of water, which the master intended to fill up at Annabon, when fortunately the "Brisk," which was just leaving the island, picked her up after five hours' chase.

The poor slaves are in the most emaciated condition, and I fear a great many more will die.

They were for a long time waiting to be shipped in the Congo, and were obliged to drink salt water for many days before being embarked.

No. 111.

Commodore Wilmot to the Secretary to the Admiralty.

Sir,

"Rattlesnake," Monrovia, March 25, 1863.

I HAVE the honour to forward a copy of a letter I have received from the French Commodore relative to vessels carrying the French flag being boarded by British cruisers, as well as my reply thereto.

I have, &c.
(Signed) A. P. EARDLEY WILMOT.

Inclosure 1 in No. 111.

Commodore Didelot to Commodore Wilmot.

M. le Commodore,

Lagos, le 2 Mars, 1863.

D'APRES ce que m'avait dit M. le Contre-Amiral Sir Baldwin Walker, que j'ai eu l'honneur de voir à Fernando Po, j'avais conçu l'espoir de vous rencontrer prochainement dans le Golfe de Benin. Outre le prix que j'attachais à faire votre connaissance personnelle, il me paraissait nécessaire d'entrer au plus tôt en communication directe avec vous, afin de prévenir, par une entente commune, les graves inconvénients qui ne peuvent manquer de survenir si les navires placés sous votre commandement ne reçoivent pas des instructions précises de se conformer scrupuleusement aux dispositions de la Convention par laquelle nos deux Gouvernements ont réglé, en 1859, les rapports qui doivent exister entre nos croiseurs et nos bâtiments de commerce respectifs.

C'est dans ce but, dont l'importance majeure ne vous échappera point, et que nous ne saurions trop promptement chercher à atteindre, que je me décide à vous écrire, ignorant à quelle époque les circonstances me permettront de vous rencontrer.

Je tiens à établir tout d'abord que la France, dégagée depuis 1855 des obligations contractées par elle lors du Traité de 1845, a repris exclusivement et sans partage la police de son pavillon dans ces parages, tout aussi bien que dans les autres mers du globe; qu'à cette police exclusive sont adhérentes l'indépendance et la dignité de son

pavillon; et qu'à ce titre tout bâtiment de commerce légitimement couvert des couleurs Françaises doit être respecté par les croiseurs Anglais, tout comme les bâtiments de ma division respectent les navires du commerce Britannique.

Celle est, M. le Commodore, la base, la pensée fondamentale des instructions concertées en 1859 entre l'Angleterre et la France. Cependant, on n'a point hésité à admettre que l'un et l'autre pavillon pourraient être abusivement arborés par les traitants sans foi ni loi, qui, malgré la réprobation unanime dont ils sont frappés, et la vigueur avec laquelle ils sont pourchassés sur tous les points, ne craignent pas de s'aventurer encore dans les risques de l'infâme Trafic des Noirs. La Convention de 1859 a tenu compte de ces justes susceptibilités, et tout en proscrivant tous les procédés fâcheux qui ont marqué jadis le droit de visite, elle a admis (mais à titre tout exceptionnel) dans des cas extrêmes de soupçons bien fondés sur la nationalité d'un bâtiment, et à défaut de ces indices matériels si évidents à l'œil d'un marin et qui attestent par eux-mêmes la nationalité d'un navire—elle a admis, dis-je, que dans de telles circonstances nous pourrions contraindre ce bâtiment à faire la preuve de sa nationalité en exhibant ses papiers de bord. Mais, en vous reportant à la Convention, vous ne manquerez pas de remarquer, M. le Commodore, que ce droit extrême exceptionnel a été entouré de toutes les garanties que l'on a jugées propres à en prévenir l'abus, et qu'il y a faute grave de la part de tout croiseur qui ne se renferme pas strictement dans les limites tracées; que tous ceux de ses actes qui excèdent ces limites sont un abus de la force qui appelle la résistance, une violation de l'indépendance du pavillon qui ne saurait être tolérée.

C'est dans ce sens que sont conçus les instructions que j'ai données aux capitaines placés sous mon commandement; ils s'y conforment rigoureusement à l'égard des navires Anglais de commerce, et je me croyais fondé à l'espérer qu'il en serait de même de la part des croiseurs Anglais vis-à-vis des bâtiments marchands placés à l'abri de mon pavillon, bâtiments qui, je le répète à dessein, relèvent exclusivement de ma surveillance et de ma police.

Je regrette de dire qu'il n'en a pas toujours été ainsi, et que plusieurs navires Français ont été dans ce derniers tems soumis à des traitements contre lesquels je dois réclamer. Je me vois dans l'obligation précise de vous prier, M. le Commodore, d'y mettre un terme, et de rappeler aux capitaines des navires de Sa Majesté Britannique placés sous votre commandement, quels sont en pareille matière les droits que leur confère la Convention, les actes et les procédés qu'elle leur interdit. Ainsi il ne suffit pas de soupçonner légèrement un navire de porter indûment les couleurs sous lesquelles il s'abrite; il faut que les soupçons s'appuient sur des fondements et des indications dont on doit justifier. On doit surtout s'abstenir absolument de toute investigation sur les passagers, la cargaison, le voyage, et ne point forcer violemment l'entrée d'un navire lorsque le capitaine exhibant ses papiers de bord s'y oppose.

J'ai été amené, M. le Commodore, à vous soumettre toutes ces observations par suite des plaintes qui m'ont été adressées sur les visites faites par les croiseurs Anglais, depuis quelques mois, sur des bâtiments Français, et notamment sur la goëlette "Lagos," qui, après avoir été visitée trois fois dans le Golfe de Benin par les avisos "Lee" et "Griffon," vient de l'être encore récemment auprès du Congo par la canonnière "Torch." Je n'ai pas encore le rapport officiel que le capitaine doit me remettre, affirmé par son équipage; dès qu'il me sera parvenu je m'empresserai de vous le transmettre, avec les observations détaillées qu'il me paraîtra comporter.

Je n'ai pas la moindre doute, M. le Commodore, que mes réclamations ne trouvent auprès de vous l'accueil que j'ai droit d'attendre. J'ai le plus vif désir que rien ne vienne altérer, pendant mon commandement, la bonne harmonie qui règne entre nos Gouvernements, et à laquelle de si grandes intérêts sont attachés. Je me tiens pour assuré que tels sont aussi vos sentiments, M. le Commodore, et que je vous trouverai toujours disposé à co-opérer cordialement avec moi, pour assurer en ce qui dépend de nous ce résultat si désirable. Nous aussi, nous avons fort à cœur l'abolition de la Traite des Noirs, et la cessation des hontes et des misères qu'elle traîne à sa suite; mais nous n'attachons pas moins de prix à ce que notre pavillon jouisse du respect et de l'indépendance auxquels il a droit.

Je saisisrai avec empressement, M. le Commodore, la première occasion qui se présentera de faire votre connaissance personnelle. Je suis certain d'avance que nos relations s'établiront et se maintiendront aussi faciles et aussi cordiales qu'elles l'ont été entre votre prédécesseur, M. le Commodore Edmonstone, et moi; de mon côté, je ne négligera rien pour cela.

Veuillez, &c.

Le Chef de Division, Commandant-en-chef la Station des
Côtes Occidentales d'Afrique,
(Signé) BN. O. DIDELOT.

Inclosure 2 in No. 111.

Commodore Wilmot to Commodore Didelot.

Sir,

"Rattlesnake," *Monrovia, March 25, 1863.*

I HAVE the honour to acknowledge the receipt of your letter of the 2nd March last, and beg to assure you that I quite coincide in all the opinions you have expressed with regard to what ought to be conduct of those who are engaged in the important duties of abolishing the Slave Trade.

It is with much regret that I find you complain that many French merchant-vessels have been boarded without due regard being shown to the nationality of the French flag, and contrary to the instructions issued for the guidance of officers commanding British cruisers on this coast.

I am sure that you will believe that in all cases where these instructions have been exceeded, the object of the boarding-officer has been to discover whether the merchant-vessel was justly entitled to carry the French flag, and was a legal trader or not.

Suspicious circumstances may have called for these necessary precautions to satisfy the officer that the flag of France was not used as a deception by men engaged in the Traffic of Slaves.

You cannot believe that any insult was ever intended towards the French flag, and I beg of you to dismiss from your mind all thoughts contrary to the most perfect respect and good feeling. You mention the "Lagos" as an example, and that she was boarded by the "Lee," "Griffon," and "Torch," at different periods of course. The "Lagos" was at Whydah in November of last year, and from thence went to the Congo, returning again to Whydah early this year.

It is probable that British cruisers boarded her as she passed their several stations without knowing that she had been examined before.

The "*Lagos*," I beg to assure you from my own personal observation, and from the statement of the master himself, is a very suspicious vessel.

The master told me himself, in presence of other officers, that he was ready to take in a cargo of slaves, and would do so whenever an opportunity offered. He said that he had done so before, and would do so again. He made no secret of his intentions, and I have not the slightest doubt he will do all in his power to embark slaves instead of palm oil.

It is reported that the steamer that escaped with a cargo of 960 slaves from the neighbourhood of Aghwey about the 20th October last, did so with French colours flying, and that the French flag is used very generally on the coast now to prevent suspicion and examination.

I mention these circumstances to show you that we have some good reasons for being particular in our dealings with vessels that show French colours, not merely for the sake of proving their right to display those colours, but to prevent the flag of France from being used in such a cause, and as a cloak for wicked purposes.

I will instruct the cruisers under my orders to be most particular in their duties with respect to French vessels, and I trust from henceforth you will have no cause of complaint against them.

I shall be very glad to have the opportunity of paying my respects to you in person, and making your acquaintance.

You may rest assured that my great object on all occasions will be to keep up the most friendly intercourse with you, and to strictly carry out the instructions that I have received from my Government for the service on which I am employed.

Believe me, &c.
(Signed) A. P. EARDLEY WILMOT.

No. 112.

Extract from Orders of Sir B. Walker to Commodore Wilmot.

Paragraph 2.—MY recent inspection of that coast, and the information I have received, lead me to the conclusion that the spirit for the Traffic in Slaves has been renewed of late to the southward of St. Paul de Loanda, particularly in the localities of Benguela, Equimina, and Novo Redondo. A slave-vessel, as you are aware, has been recently captured by the "*Wrangler*," which was to have shipped 1,700 slaves at Equimina. Benguela, also, at the time of my visit was full of slaves. Such being the case, I consider the South Division should be strengthened, and that not less than six cruisers should be stationed there, four to watch the River Congo and the adjacent coast, and two the coast between the Congo and Little Fish Bay.

Paragraph 3.—The other locality for Slave Trade appears to be the seaboard of the territories of the King of Dahomey, which should be as closely watched as the means at your disposal will allow. Not less than four cruisers should be stationed in the Bights, in addition to the "*Investigator*" or "*Handy*," which vessels are occasionally to leave Lagos and the Lagoons for change of climate.

Paragraph 6.—Your known zeal and former experience of the West Coast of Africa, and of the nefarious practices of the slave-dealers, give me the assurance that you will use every means at your disposal to put an end to their illicit trade, whilst, on the other hand, you will be equally zealous to advance the cause of civilization and legal commerce.

No. 113.

Commodore Wilmot to the Secretary to the Admiralty.

(Extract.)

"*Rattlesnake*," April 30, 1863.

THE same evening (the 27th April) I left for Lagos, and anchored there on the 29th. I called in at Whydah on my way, and found the "*Mullet*" there. There were also nine merchant-vessels of different nations—mostly English.

Excellent beef and stock of every kind is procurable since my visit to the King, and every one says that this has done an immensity of good.

I have found it necessary to send the "*Mullet*" immediately to Ascension for repairs, and have ordered the "*Investigator*" to take her place off Whydah till I can relieve her by another cruiser.

There have been no slaves shipped in the Bights since the departure of the steamer in October last, but this vessel is expected again, and the King of Dahomey's late foray has been to collect slaves for the next voyage.

The following is an extract from Commander Beamish's half-yearly Report on the Slave Trade to the 31st December, 1862, which, as it concerns this steamer, will probably be interesting:—

"The boatswain of the slave-ship '*Island Queen*,' of Washington, Delaware

County (captured four days ago by the 'Wrangler'), and an old hand at the trade, told me that he belonged to a steamer about four years ago; that he and others, all Spaniards and Portuguese, went to Hartlepool, Durham, England, and having arrived there, waited until a screw steamer, the "Gulielmina," or "Wilhelmina," building for them was ready for sea, when they navigated her to Cadiz, and sailed a slaving voyage in her successfully. He said that he thinks the steamer 'Noc Daqui' is the same. He was corroborated in his statement by a shipmate in the 'Island Queen,' who had been to Hartlepool with him."

No. 114.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

(Extract.)

"*Rattlesnake*," *Ascension*, July 1, 1863.

I COASTED down to Loango, and anchored there on the afternoon of the 31st May.

The next morning I visited the English and French factories, at the latter of which I met M. Parrat, the French Agent on this part of the coast for all the factories lately employed in the shipment of emigrants.

I anchored off the Congo on the evening of the 3rd June. Everything is quiet in the Congo, but there is very little legitimate trade and scarcely any Slave Trade, the latter arising from want of funds.

The Portuguese are leaving the river.

From the Congo I went to Kinsembo, and visited the different factories on shore, which were carrying on a brisk trade in ivory, gum, copper, and ground nuts; very good coffee is produced here, which, though small in quantity, possesses an excellent flavour.

From Kinsembo I went to St. Paul de Loanda, and arrived there on the afternoon of the 8th. The usual salutes took place. Being short-handed it took five days to complete with coals.

The Governor-General paid me a visit on the 17th June, and I received him with all due ceremony and distinction.

I left on the forenoon of the 18th, and arrived at Ascension on the morning of the 28th June.

No. 115.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

(Extract.)

"*Rattlesnake*," at Sea, Lat. 3° 30', Long. 5° 30',
May 26, 1863.

ABBEOKUTA is about eighty-three miles from Lagos, including lagoon and river.

The river varies a good deal in breadth and depth, and has many turnings and windings. The average breadth is eighty yards, although in some places it is scarcely thirty. Trees and branches of trees block it up in many places, and render the navigation difficult,—particularly during the night. The current varies according to the seasons; the banks on either side are high, particularly on the left-hand bank, which would be a source of great strength and security to an enemy if he knew how to take advantage of it.

There are a few villages on either side of the river, and Indian corn and cassada is largely cultivated; there are also stakes laid down for fishing.

Large trees and dense jungle abound, which are full of every description of birds,—the grey parrot, toucan, plover, and a beautiful black and white sandling, the large kingfisher, which is very handsome, the small black and white kingfisher, besides other birds, both large and small, of beautiful and variegated plumage. We did not see any alligators, although they are plentiful in the river; monkeys of all descriptions and sizes are seen.

Abbeokuta is built within and upon a number of granite hills, and is surrounded by a mud wall about twelve miles round, and varying in height from four to five feet, not particularly thick, with a small ditch outside. There are several gates.

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Some of the blocks of granite are enormous, and singularly placed. The whole country is covered with granite, which might be profitably worked for building purposes.

There is not much cultivation inside the walls, as the people depend upon their farms in the distance.

Cattle, sheep, goats, fowl, ducks, &c., are in abundance; the markets were full of them; the sheep are large, and the meat excellent; milk can be obtained very cheap, and butter is made by the European residents; a bottle well shaken for half-an-hour being used as a substitute for the churn.

The markets are very large; and, besides corn, sheep, &c., European articles are displayed by many in small quantities.

The native workmanship in leather, iron, cloths, &c., is very strong and good; and they know how to put a price upon their wares. The native cloths are very fine, and prettily worked and marked: these are worn principally by Mussulmans, who seem to take a great pride in their dress.

Horses are plentiful, and full of life and spirit; they vary in size, but the largest are not more than fourteen hands. I should think the breed might be improved by importations from Arabia.

The horsemen imitate the Eastern warriors in their movements. The bit is very powerful, and makes the horse uneasy and fretful; the trappings are handsome, and copied from the Turks. The Mussulmans have no doubt introduced these habits. There is iron in the country, which only requires capital and enterprise to work out with advantage. The wild grape is seen everywhere, and excellent cotton is produced.

Mr. Phillips, an American, a most worthy and valuable missionary, is trying a variety of plants on a small farm which he is commencing. I am certain that everything will grow in profusion.

Water is plentiful; the pasture for cattle is excellent, as the grass is not of that coarse and rank description which I observed in Dahomey.

The country round Abbeokuta is very picturesque, being a succession of hill, valley, and plain. Forests are seen in the distance, particularly towards that part where the Dahomian army was encamped.

I visited this camp, which had been skilfully selected, the advance guard being in front of the forest about five miles from the river, and the main body with the King (if he was there) on the other side, a mile distant. In the middle of the forest the town of Harra, which is of considerable size, is situated. This was destroyed by the Dahomians.

There are several streams running through this forest, which shows that the position was carefully chosen by the Dahomian Chief.

The remains of the large camp are still visible, being composed of sticks and palm leaves, with some of greater pretensions to comfort and appearance: the marks of their fires for cooking are also very distinct.

I have no reason to alter my estimate of their numbers which was formed at Abomey. The Europeans all agree on this point, and say that 10,000 must have been the maximum, exclusive of camp followers, servants, and carriers, which would probably swell the numbers to 13,000. This is also corroborated by prisoners who escaped.

Abbeokuta is said to contain 100,000 inhabitants, which may or may not be correct. No census has ever been taken, and I could not find out in what manner these numbers had been estimated.

It is merely conjecture, as is also the opinion that they can bring from 30,000 to 40,000 warriors into the field.

If this be true, then let us cry shame that they did not boldly march out and take the whole of the Dahomian army prisoners.

It is said, however, that it is not their custom to act on the offensive, but only to defend themselves, which will account for their being an agricultural rather than a warlike nation.

A great deal of the land inside the walls of Abbeokuta might be profitably cultivated, and, in the event of its being besieged, would enable the inhabitants to hold out a considerable time; but they never think of this, "sufficient for the day being the evil thereof."

The people are warm-hearted, and more anxious for peace than war, in order that they may turn their attention to trade and the cultivation of their farms.

There are Christians of all denominations excepting Roman Catholics, and they

number not less than 2,000. The missionaries have churches and schools in different parts of the town, which are well attended. I examined several classes both of adults and others in Bible history, and was much pleased with their answers. They read remarkably well.

The missionaries deserve well of their country, and are entitled to our warmest thanks, praise, and sympathy for their labours and privations in this far away heathen land.

There is no doubt that human sacrifices are still offered up in Abbeokuta, but when, where, and by whom it is difficult to say. The missionaries and others do not deny this, nor can they prevent it; it is done in secrecy and without much ceremony; but that it is done is a certainty, and superstition is still in the ascendant, as we had many opportunities of observing.

Women are forbidden to be out after a certain time of night, and death is awarded to them if their curiosity is excited so far as to look at, or even speak of, those men who are selected to represent deities possessing supernatural powers, whose presence is well known by a most peculiar howl or noise, which is occasioned by a piece of wood attached to a line which they whirl rapidly over their heads, or round their bodies, producing the extraordinary sound referred to. When this is heard all the women shut themselves up, but the men may go where they like. I believe that this heathenish deity rejoices in the name of "Oro."

Quite different from Abomey, where all are warriors, I did not see a single soldier; perhaps they are all at the camp at Makun. There was no display of any kind in this way. You would imagine that there was not a soldier in this town. We passed a few country people with muskets on their farms. It seems to me that a great crisis is approaching at Abbeokuta, and that a civil war is not improbable. There are two parties whose strength is nearly equal—war and peace.

I hope these few remarks will not be uninteresting.

No. 116.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

(Extract.)

"Rattlesnake," Kinsembo, June 7, 1863.

I BEG to inclose a letter I have received from Commander Hoskins, of Her Majesty's ship "Zebra," senior officer on the South Coast, on the unsatisfactory state of affairs in the Congo, &c.

Commander Hoskins' knowledge of the Congo and its vicinity, as well as my own experience on this part of the coast, induces me to agree with him fully in the opinion that hostile operations, unless carried out on an extensive scale, would be perfectly useless.

If all the agents now residing at Punta de Lenha could be induced to leave that place and establish themselves at Banana, much good would be effected, and we should get rid of that troublesome plague-spot up the river.

Banana is entirely within our protection, and merchants could establish themselves there without fear of being molested, as our cruisers could anchor off the place.

I would suggest most respectfully the advantage of a steamer like the "Investigator" in the Congo River, attached to the senior officer of this division as a tender; her services would be most invaluable.

She could safely navigate the creeks of the river, punish the refractory tribes, and convey a wholesome lesson to plunderers when required.

I am sure that such a vessel, from her great speed, light draught, and powerful armament, would save the loss of much valuable property, the loss of life by exposure in open boats, be a protection against sickness and the fire of the natives, as well as carry out entirely the object of their Lordships, by opening this magnificent river to legitimate trade.

Inclosure in No. 116.

Commander Hoskins to Commodore Wilmot.

Sir,

"Zebra," River Congo, June 5, 1863.

IN answer to your letter of yesterday's date, inclosing letters from the Secretary of the Admiralty and from the Under-Secretary of State respecting the unsatisfactory state of affairs in the Congo River, and calling upon

me for information on the subject, I have the honour to report to you that, having, on my first assuming charge of this Division, made inquiries into the circumstances attending the destruction of Mr. Meecham's factory, and his being carried, with other Englishmen, into the bush, I became satisfied that it was owing to an unprovoked and wanton assault, committed by Mr. Meecham on the person of one of the Native Princes of great influence, and it was on this account that the persons and properties of British agents were "singled out" for capture and destruction.

Under instructions from Commodore Edmonstone no further steps were taken in the matter.

This factory (Messrs. Tobin's) has not been re-established, and the only British one existing at Punta Lenha is that of Messrs. Hatton and Cookson, from whose agent, though my boats have been constantly in communication with him, I have received no complaints, nor intimation of his labouring under any difficulties, save such as he creates for himself amongst his European employés.

Apart from these troubles, though liable to be mixed with them by strangers, are the impediments to the navigation of the Upper River, caused by a predatory and warlike tribe called the Mossolonghas, who, when they, owing to the close of the season, cease to receive Customs for the passage of oil up and down the river, endeavour to support their receipts by capturing and ransoming, impartially, any European or European goods they can master.

With respect to the question of hostile operations in the Congo, my opinion is that there is at present no sufficient reason for having recourse to them. That, on good grounds, a prompt punishment inflicted for insult to our countrymen has a most beneficial effect along the whole coast I am entirely of opinion, and I think Commodore Edmonstone's operations at the mouth of the Congo have, without exasperating the natives, given them a high idea of our readiness to support our traders when pillaged or ill-used; but I do not think that there are just grounds for avenging the behaviour of the natives at Punta da Lenha to Mr. Meecham, nor reasonable hope that any punishment we could inflict there would be (the length of time now elapsed being considered) prompt enough or complete enough to have the desired effect.

In conclusion, I would beg to call your attention to the thriving state of the Dutch factory at Banana, to which place Mr. Elkman, the agent of Messrs. Kerdyk and Pincoffs, of Rotterdam, has withdrawn almost all his transactions in the Congo, intending shortly to close his establishment at Punta da Lenha altogether, and were the English Houses in the River to adopt a similar course, they would enjoy a constant protection from the ships of war on the station, free themselves from the contamination of a nest of slave-dealers, and from suspicions which, I regret to say, in many instances, have been attached to the English name on this coast, and, as the business of the Dutch House proves, would certainly be safer in a commercial point of view.

I have, &c.
(Signed) A. H. HOSKINS.

No. 117.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

Sir,

"*Rattlesnake*," *Kinsembo*, June 7, 1863.

A RUMOUR has reached me, which I believe to be true, that the owners of the American schooner "*Mariquita*," lately captured by the "*Zebra*" off the Congo, entered into very heavy bonds at New York, before her departure from that place, for her good behaviour, and the legality of her voyage.

I cannot find out who the parties are at New York who are liable for this vessel, but there is no doubt the American Government can easily do so if they feel inclined.

I hope you will induce their Lordships to press this point, as the payment of these bonds will produce a good example out here, and probably deter others from following the same course.

The "*Mariquita*" is a schooner of 153 tons.

I have, &c.
(Signed) A. P. EARDLEY WILMOT.

No. 118.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir,

"*Narcissus*," *Simon's Bay*, July 18, 1863.

AS the notice of my Lords Commissioners of the Admiralty may be called to the circumstance of Her Majesty's cruisers under my command having visited suspected French vessels on the West Coast of Africa to verify their nationality, I think it right to submit, for their Lordships' information, the copy of a correspondence which has passed between the French Commodore commanding-in-chief on the West Coast of Africa and myself on this subject.

I have, &c.
(Signed) B. W. WALKER.



Inclosure 1 in No. 118.

Commodore Didelot to Rear-Admiral Sir B. Walker.

M. l'Amiral,

Lagos, le 2 Mars, 1863.

J'AI appris avec un profond regret à mon arrivée à Whydah que votre Excellence, après avoir inutilement tenté de rencontrer M. le Commodore Wilmot, s'était décidée à faire voile pour le Nord. Il m'eût été bien agréable, M. l'Amiral, de saisir cette nouvelle occasion de vous présenter mes devoirs, et de vous remercier de l'accueil si obligeant que j'ai reçu de vous à Fernando Po.

J'aurais, en outre, vivement désiré pouvoir conférer, sous vos auspices, avec M. le Commodore Wilmot au sujet de quelques plaintes qui me sont parvenues sur des faites de visites dont quelques bâtiments Français ont été l'objet de la part des navires de la croisière Anglaise. Il me paraît que tous ne comprennent pas de même que nous les instructions concertées en 1859, entre nos Gouvernements, pour remplacer les stipulations du Traité de 1845, qui a pris fin au terme de dix années fixées pour sa durée. De là, des actes qui se ressentent quelquefois du régime antérieur admis pour le droit de visite, actes contre lesquels nous devons réclamer et protester, et dont la répétition pourrait avoir pour effet d'amener de regrettables conflits, et d'altérer (ce dont Dieu nous préserve et le monde entier) les bonnes relations si heureusement maintenues entre la France et l'Angleterre.

Vos vœux et vos désirs à cet égard, M. l'Amiral, ne sont certainement pas autres que les miens; et je suis convaincu que votre esprit, si plein d'élévation et de droiture, comprendra combien il importe que l'on n'aille pas au delà des concessions consenties en 1859 pour assurer la légitimité du pavillon, et que les garanties dont cette vérification a été entourée soient scrupuleusement respectées.

Les circonstances m'ayant enlevé l'occasion que je recherchais de traiter toutes ces questions, dont l'importance ne saurait vous échapper, avec votre Excellence et avec M. le Commodore Wilmot, j'ai l'honneur de vous envoyer copie de la lettre que j'adresse à ce sujet au Commodore, en vous priant, M. l'Amiral, de vouloir bien me faire connaître votre opinion sur les points qui y sont traités.

Je me crois d'ailleurs fondé à espérer que de même que sous le commandement de M. le Commodore Edmonstone il y aura une entente commune sur ces matières délicates, et que les difficultés de détail qu'elles pourraient soulever seront toujours résolues d'un commun accord, et dans un esprit de franche et loyale équité qui nous permettra de prévenir tout conflit.

Je prie, &c.

Le Chef de Division, Commandant-en-chef la Station des
Côtes Occidentales d'Afrique, &c.

(Signé) B. V. DIDELOT.

Inclosure 2 in No. 118.

Commodore Didelot to Commodore Wilmot, March 2, 1863.

[See Inclosure 1 in No. 111.]

Inclosure 3 in No. 118.

Rear-Admiral Sir B. Walker to Commodore Didelot.

M. le Commodore,

"Narcissus," Simon's Bay, June 2, 1863.

I HAVE the honour to acknowledge the receipt of your Excellency's communication, dated from Lagos the 2nd of March last, inclosing the copy of a letter you had addressed to Commodore Wilmot in consequence of not meeting that officer as you had expected in the Bights of Benin, and upon the subject of which you request my opinion.

Permit me to express my regret that circumstances did not enable us to meet Commodore Wilmot at Lagos as we had anticipated on our parting at Fernando Po; a few words of conversation upon such an occasion would have enabled us fully to exchange our views of the stipulations of 1859 agreed to by our respective Governments. I, however, felt so assured, from our agreeable interview at Fernando Po, that your Excellency and myself were acting together in the same friendly spirit for the abolition of slavery, that I took care to impress Commodore Wilmot with those sentiments when I afterwards met him at Sierra Leone.

The instructions with which the Commodore and all the Commanders of the cruisers under my command are furnished under the Convention of 1859, mutually framed by our respective Governments, and to which they are ordered strictly to adhere, are so clear and distinct that there ought not to be any difference of opinion as to their interpretation.

It is admitted that national flags are fraudulently hoisted; and it is well known that slave-dealers will use the flag by which they think they can best carry on their abominable traffic. Until recently the American colours were exhibited to cover their nefarious business; but the Government of that country having abolished slavery, and entered into a Treaty with Great Britain for its suppression, they are now but seldom hoisted. I am sorry to say that instances have been represented to me of slave-vessels showing French colours having no right to them, and it is asserted that a Spanish steamer not long ago carried off 1,100 slaves under the French flag, and at no great distance from a French ship of war, which probably may not have sighted her.

I am also informed that some French vessels have made their movements such as to draw suspicion upon their true character, and diverted our cruisers by long chases and other harassing proceedings, but such cases have not been made the subject of complaint.

Under all these circumstances it can hardly be a matter of surprise that British officers, in the zealous discharge of duties, rendered difficult and delicate through the trickery of lawless slave-dealers, should occasionally be deceived in supposing that a vessel has fraudulently hoisted French colours, particularly in localities where Slave Trade is known to exceed every other. These cases are, however, very rare; and if the long established and universally exercised international right to ascertain whether a suspected vessel is or is not entitled by her papers to the flag which she hoists were to be put an end to, every slave-dealer and other pirate in the world would use the French or any other flag to cover his nefarious pursuits with impunity. No right beyond the proof of nationality is claimed by the British Government, and no offence to the French flag can be alleged, because the right which the English Government exercises is general and reciprocal, and it can never object to its being exercised towards British ships under circumstances which warrant suspicion.

With regard to the schooner "Lagos" being visited by Her Majesty's ship "Torch" in the River Congo, I beg to inform your Excellency that this vessel came under my own observation; and when I anchored in the River Congo on the 14th of January last I was so much struck with her suspicious appearance and movements that I caused an officer to be sent to verify her nationality, and it was with much difficulty that I could believe her papers to be genuine, as she appeared to me to be an American vessel, and my suspicions were the more excited when the officer represented to me that the mate or acting captain of her voluntarily stated that she had 50 slaves on board, and intended to ship more.

Our warm and cordial meeting at Fernando Po leads me to hope that you will hardly need re-assurance of my hearty desire to maintain unimpaired the good and friendly feeling existing between us and the officers under our respective commands, and I should be deeply grieved that any trifling excess of zeal in verifying the nationality of a suspected vessel on either side should be deemed to be an insult to the freedom and independence of our respective flags. You may be certain that every reparation would be made for an occasional mistake which might happen under the most guarded circumstances.

I have, &c.
(Signed) B. W. WALKER.

No. 119.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

(Extract.)

August 14, 1863.

I HAVE heard that Major Burton, our Consul at Fernando Po, has been appointed by the Government to proceed on a Mission to the King of Dahomey. You may be assured he will receive every assistance from me, and I hope to land him at Whydah with due honours, according to the importance of his Mission.

No. 120.

Commander Douglas to Commodore Wilmot.

(Extract.)

*"Espoir," at Sea, Lat. 7° 34', Long. 12° 30' E.,
August 12, 1863.*

I HAVE the honour to report that this day at noon in latitude 7° 34' south, and about twenty miles from the land, I boarded and detained a brig of about 200 tons for being engaged in the Slave Trade.

This vessel, supposed to be the "Haydee," had on board at the time of her capture a cargo of about 550 slaves, and a crew of 16 Europeans.

She had shipped the previous evening in the vicinity of Massera, and had only been a few hours on the coast.

The slaves being very much crowded, the slave deck only 3 feet 7 inches high, 17 feet wide, by 37 feet in length, I deemed it advisable to remove 111 of the slaves to Her Majesty's ship under my command.

No. 121.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

(Extract.)

"Rattlesnake," Lagos, September 2, 1863.

I ANCHORED at Whydah on the 26th August, and found the "Antelope" there, besides several merchant-vessels.

The "Jaseur" joined in the evening; I communicated with the shore, and received several very friendly messages from the Yervogar and Chiefs, who had long been expecting my arrival. Inclosed is the copy of a letter I sent to the King of Dahomey on this occasion.

As Captain Burton is about to proceed on a Government mission to the King of Dahomey, I have placed the "Antelope" at his disposal. Lieutenant Allingham is to be at Fernando Po on the 1st October, to attend upon that gentleman until his mission is over.

I think I may report that the policy and proceedings of his Excellency the Acting Lieutenant-Governor of Lagos are likely to bring about shortly a more satisfactory state of things.

Inclosed is the copy of a letter I have addressed to the Bashorun and Elders of Abbeokuta.

As it is of importance that the Niger should be visited this year, with a view of

communicating with Dr. Baikie, I have determined to send the "Investigator" on this service.

The expedition will be deprived of the valuable services of the late Lieutenant Dolben, which I cannot sufficiently regret; but I place the greatest confidence in the zeal and energy of Lieutenant Gambier, who has received ample instructions from me on the subject, copies of which are inclosed.

I shall start to-morrow the 3rd instant, in company with the "Investigator," and a large boat I have hired for carrying coals to the mouth of the Niger, and having filled her fully up with coals, &c., Lieutenant Gambier will enter the river, and I shall leave for St. Thomas' and the Congo; from there I shall go to St. Paul de Loando, Little Fish Bay, St. Helena and Ascension, returning to Cape Coast Castle about the middle of November.

Inclosure 1 in No. 121.

Commodore Wilmot to the King of Dahomey.

Your Majesty,

"Rattlesnake," off Whydah, August 25, 1863.

I HAVE arrived again off your Majesty's seaport of Whydah, and hope that you are quite well and in the enjoyment of good health.

I send your Majesty my best wishes and my most friendly compliments.

I was sorry to hear that your Majesty had, after all I said to you on the subject, encamped before Abbeokuta, and shown yourself unfriendly to the friends of England.

A special messenger has been appointed by Her Majesty the Queen of England to come again to your Court, and see you upon the great question of the Slave Trade, and human sacrifices.

I am sure your Majesty will receive him well, as becomes the King of an African country on friendly terms with England, and as a messenger from so great and good a Queen ought to be received. Major Burton, who has already been to your capital, is the messenger selected, and he will be here very shortly to see you.

I entreat your Majesty, for your own sake as well as for the interests of your people and country, to seriously consider what the Commissioner will say to you, should you refuse to listen to the voice of reason and humanity.

With many prayers that your Majesty and Council will be guided in your decision by the future safety and interests of your country, I beg, &c.

(Signed) A. P. EARDLEY WILMOT.

Inclosure 2 in No. 121.

Commodore Wilmot to the Bashorun and Elders of Abbeokuta.

(No date.)

I HAVE arrived again at Lagos, and hope that the Bashorun and Elders of Abbeokuta are quite well.

Receive my kindest compliments and best wishes for yourself and country.

I hope you have well considered what was said to you when I had the pleasure and satisfaction of meeting you in public last, and that since then the real happiness and welfare of your people has been uppermost in your thoughts.

As I promised you in the presence of all your people, I have placed before the Government of England all that has transpired between you and the late Governor of Lagos, and I feel certain that justice will be done to all parties.

But I pray you to lay aside at once and for ever all pride and selfishness, and firmly believing in the reality of England's friendship for Abbeokuta, if Abbeokuta will pursue a right course of honesty and fair dealing, use your best endeavours to bring the question at issue to an amicable settlement, by doing which you will show yourself worthy of your high position, promote the happiness and prosperity of those intrusted to your charge, as well as open out the resources of your country.

I remain, &c.

(Signed) A. P. EARDLEY WILMOT.

Inclosure 3 in No. 121.

Instructions issued to Lieutenant Gambier, Lieutenant in Command of Her Majesty's ship "Investigator," about to proceed on the Niger Expedition.

THE principal object of this expedition is to communicate with Dr. Baikie, or obtain intelligence of his movements.

Every exertion must be made to effect this, and all ulterior objects must give way to succeed in accomplishing this anxious desire of Her Majesty's Government.

I place the most implicit reliance in your prudence and judgment, and feel certain that you will endeavour to carry out the main object of the expedition; you have my authority also to make this visit of the "Investigator" one of peculiar interest and permanent usefulness.

Everything has been provided by me for the success of the expedition, as well as for the health and comfort of the officers and crew.

You will enter the river as soon as you are in all respects ready, and leave it again when your own experience of the rise and fall of the water, as well as of the seasons on this particular part of the country, points out to you the necessity of again crossing the sea-bar.

When in all respects ready for entering the river, you can do so, taking the accompanying boat, full of coals, in tow.

I send you one Lieutenant, one Assistant Surgeon, one midshipman, two shipwrights, and six seamen to assist you in your arduous duties, and in navigating the "Investigator" up the river.

(Signed) A. P. EARDLEY WILMOT.

When the "Investigator" recrosses the bar after the expedition is over, you have my permission to keep to sea, and cruize in the Bights for the benefit of the health of the crew, as the season will then be so fine, should it be desirable to do so, or even proceed to Ascension if necessary.

A. P. E. W.

Inclosure 4 in No. 121.

Directions to be observed by Lieutenant Gambier, in Command of the Niger Expedition, for the benefit of the Health and Crew of the "Investigator."

1. Not to be exposed to the sun or rain.
2. Plenty of fresh water for drinking and washing.
3. Lime juice daily.
4. A dose of quinine morning or evening at the option of the medical officer in charge.
5. A cup of coffee immediately on getting up, and before any work is done.
6. Fresh meat and vegetables daily when practicable, as well as an allowance of fruit at the discretion of the medical officer.
7. No salt meat if it can be avoided.
8. Not to be exposed to the night air or dew.
9. To shift in blanket or flannel clothing after sunset.
10. On no account is an extra issue of spirits to be made, but an extra allowance of tea or cocoa may be given when necessary.

(Signed) A. P. EARDLEY WILMOT.

No. 122.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

Sir,

"Rattlesnake," off the Niger, September 7, 1863.

I HAVE great pleasure in informing you that Her Majesty's "Investigator" passed safely inside the bar of the Niger River this forenoon, and is at present at anchor within.

2. I went myself in her to the entrance of the bar, and every one on board is full of health, energy, and spirits, at the prospect of being useful to Her Majesty's Government.

3. Everything has been provided for the health and comfort of the crew, and I look forward with a certainty that my expectations will not be disappointed.

I have, &c.

(Signed) A. P. E. WILMOT.

No. 123.

Extract from the Journal of Commander Wildman, of Her Majesty's ship "Philomel."

FROM the 15th to 25th October, 1862, I was laid up with fever at Government House, Sierra Leone. My coxswain, the only white man in the Gallinas River with me, having been taken with fever the day after, he died on the 23rd, on board the "Isis."

The above is, I think, a convincing proof of the unhealthiness of rivers and boat-work in them.

Remarks on the North Division.

The rainy season begins at Sierra Leone on the Queen's birthday, and continues until October, during which time the weather is most vile in every way.

When the rains are beginning to "take off," as they call it at Sierra Leone, is undoubtedly the most unhealthy time to do anything up any rivers and to be near the coast generally. The rivers begin to lower a little, having brought a large quantity of vegetable matter during the rains; the whole soil is saturated with water, the vegetation thick, and the sun very powerful. In consequence of the above, noxious vapours arise from the ground, and from the decaying vegetable matter brought down by the rivers and now left exposed.

Remarks on Trade.

Legal Trade.—This is now very large, both from and in the Colony of Sierra Leone, and to the north and south of it, and up the various rivers. There is a large trade in every river between the Gambia and Sierra Leone, the exports being wax, ground-nuts, palm oil and palm-nuts, a little gold, and in time there will, I think, be cotton in small quantities.

To the southward of Sierra Leone there is a large and rapidly increasing trade, in the Sherbro and Boom Kittam Rivers, and produce enough in the Gallinas River, viz., palm oil, palm-nuts, cotton, beeswax, &c., to supply many factories, and a great demand for English goods. There is at present only one factory, namely, that belonging to Messrs. Isaac Campbell and Co.

The trade in rivers north of Sierra Leone is carried on in small coasting schooners and cutters, and in vessels under French colours. Salt is taken up the rivers in French vessels, who take home ground-nuts. The salt comes from England, the ground-nuts go to France. The French Navigation Laws cause the employment of French vessels. By far the largest importer and exporter, I should think, was Mr. Heddle, of Sierra Leone.

The trade south of Sierra Leone, as far as Cape Mount, is carried on by means of coasters and some larger vessels belonging to Messrs. Isaac Campbell and Co., under English colours. Some of these vessels do not go away from the coast at all, but collect the produce from the different factories, and keep them supplied with English trade goods, &c.

There is very little trade with Liberia, considering the great extent of coast they have, and whenever they are allowed to obtain coast line or harbours there the trade will be lost to England, the customs laws, &c., being framed so as to place obstacles in the way of white men trading; and in the Republic no white man is allowed to establish himself as a merchant and buy the produce direct, but it must be done through a black or coloured citizen. In Liberia they are (though selfish and narrow-minded in their views) enterprising, and on the plantations grow sugar and coffee, both which they export to the United States. They have lately tried cotton, but find that the Sea Island (seeds of which were sent from England) does not answer, on account of the pods bursting in the middle of the rains, when it is planted at the beginning. They intend to try planting at another time, and if it does not answer, giving up the Sea Island, confining themselves to the plant indigenous to the country.

Ground Nuts.—The vessels arrive in the rivers for ground nuts, during January, in large numbers, the new nut coming in then.

Remarks on the Slave Trade.

It is said to be still carried on to a small extent in the rivers to the north of Sierra Leone, viz., Pongas, Dubreeka, &c. One shipment is said to have taken place last March or April, in a small vessel, but I do not think the report of much value. Governor D'Arcy informs me that he has received reports to the effect that cargoes are taken from Bissao and Cacheo to the Cape de Verde Islands; I have not been able to obtain any certain information, but have informed the Governor-General of the Cape de Verdes of the reported intention.

The prices of slaves on the coast varies from 30 dollars to 40 dollars.

There is a trade in domestic slaves between the Sherbro and the north, which could only be effectually checked by the boats cruising between Cape Sierra Leone and the Bananas; I think even that would do little towards stopping the trade, and the boat-cruising would undoubtedly be bad in every way for the cruisers, both in the health of the men and discipline of the ships. Information is often given to the Governor of Sierra Leone of the intended shipment of domestic or other slaves in the Sherbro, in which case he sends the Harbour Master, who generally succeeds in detaining the native boat in which these slaves are carried.

There is no other Slave Trade on this division, to the southward of Sierra Leone, at present. At the Gallinas Prince Manna will take the money and goods for slaves from the Spaniards who come for them, but immediately sends information to Sierra Leone instead of giving the slaves.

There are large numbers of slaves in his territory and that of the neighbouring Chiefs, but he keeps the Treaty unbroken.

I am very much inclined to doubt there being now any regular foreign Slave Trade on this division, there is so large a legal trade in all the rivers, and the

slaves are so valuable in the country from the present large cultivation of the ground-nut.

If there is any foreign Slave Trade now on this division, which I do not think there is, it is a chance shipment during the rainy season, at which time the negroes on the ground-nut farms are idle. The large ground-nut, palm-oil, and other legal trade, has, with the increased value of the negro for house slavery, quite, I think, stopped the foreign.

There is undoubtedly a large trade in slaves for the ground-nut farms between the Sherbro, Sierra Leone River, and those further north, and I have no doubt that as labour becomes dearer, in consequence of more land being cultivated, the trade will largely increase. Even if possible, it would be a very doubtful good for the country (Africa) to stop this trade or rather supply of slaves, from a part where the people either cannot or will not grow anything, to a part where the legal trade is now so great and increasing every year.

No. 124.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

Sir,

"Rattlesnake," at Loanda, October 3, 1863.

I TAKE advantage of the Portuguese steamer which leaves this place to-morrow for Lisbon, to report my arrival here on the 26th September last from the Congo, where I inspected the "Zebra," and met the "Griffon," "Mullet," and "Lee," all of which vessels have since proceeded to their cruising-grounds.

2. I visited Banana and Punta da Lenha in the "Lee." There are no vessels of any kind in the Congo, and the slave-dealers are beginning to be much alarmed in consequence.

3. You will receive my letters from St. Helena, by the regular mail in which I have given all the information relative to these two places.

4. I leave here on the 6th for Little Fish Bay, St. Helena, and Ascension, and shall return to Cape Coast Castle from the latter place.

5. The war that has been carried on for the last eighteen months between the Portuguese Government and some of the native tribes in the interior has been brought to a pacific conclusion.

From what I hear of this war I believe that the Governor-General was about to make overtures to these tribes, not being satisfied with the proceedings, when the Chiefs of these tribes offered to give in themselves.

I have, &c.

(Signed) A. P. EARDLEY WILMOT.

No. 125.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

(Extract.)

"Rattlesnake," St. Paul de Loanda, October 3, 1863.

WHEN off the Congo, at the latter end of September last, I took advantage of the presence of my tender, the "Lee," to visit Banana and Punta da Lenha, both of which were accomplished the same day. I started from Shark's Point at 5 A.M. and returned again 8 P.M., which clearly proves that vessels of this class may safely and expeditiously traverse a portion at least of this important river.

I inclose a list of factories from Banana Point to Boma, which is some twenty-five miles beyond Punta da Lenha; Commander Perry of the "Griffon" has taken a great deal of trouble in collecting these, and his exertions on this and upon all other occasions deserve my best thanks.

I visited the Dutch factory at Banana, and was very warmly received by Mr. Elkman, who is in charge.

This gentleman carries on a good business in palm oil and other productions of the country, and one of his vessels, a barque of 250 tons, was loading off the factory.

He sends away about 800 tons of palm oil annually to Rotterdam.

A supply of coals and provisions on this spot would be most convenient; a gun-boat of the largest class can safely ride off the factory, the distance only of a few yards.

It is very healthy, as the sea-breeze blows over the Point and drives away every unpleasant odour.

There are no vessels of any kind in the Congo at present, excepting the Dutch barque mentioned before belonging to Mr. Elkman, and the slave-houses at Punta da Lenha are at their wits' end in consequence. They will be obliged to close their houses and depart if this continues, and are even now reduced to buy palm oil, &c., merely to keep up their supply of provisions.

I counted fifteen factories at Punta da Lenha; the only English house belongs to Messrs. Hatton and Cookson, whose agent is Mr. Peter McCulloch, at present at Kinsembo. Legitimate trade is very scanty.

This place is admirably situated for slave-trading purposes, the water being so deep that the vessels ship alongside the banks, upon which large piles of wood are driven.

Every house has its back yard of large dimensions, with small gardens attached, in which cabbages, lettuce, onions, and turnips, are grown in large quantities, and in quality excellent. In one garden belonging to a Portuguese, the fencing was formed of tomatoes, which grew in such abundance that large quantities are given away, and drop off from being rotten. They were of enormous size, some weighing half-a-pound each, and of excellent flavour.

It is easy to observe here those who have been long resident in the country as slave-dealers, from their comfort, gardens, and general aspect of good order and consideration.

In my letter to you of the 7th June of this year I remarked that "if all the agents now residing at Punta da Lenha could be induced to leave that place, and establish themselves at Banana, much good would be effected, and we should get rid of that troublesome plague-spot up the river." Again, Banana is entirely under our protection, and merchants could establish themselves there without fear of being molested, as our cruisers could anchor off the place.

As I have since visited both these places myself, I will qualify the first of the above remarks by observing that there is only one agent residing at Punta da Lenha who carries on legitimate trade, all the rest being slave-dealers; and that I have no reason to alter my opinion of Banana as expressed in the second paragraph, but will add that there is scarcely room at the place for more than three houses to carry on legitimate trade at the same time.

Inclosure I in No. 125.

LIST of Factories at present standing on the bank of the Congo River, from Banana to Boma

From Banana Point to Punta da Lenha.

	Nos.	Owners.	Nation.	Houses represented by.
South Bank	1	Senhor Alexandro Ferreira	Portuguese	Senhor Ferreira.
	2	Senhor Guillermo (a branch house of the factory at Mangue)	Ditto	Senhor Paulo Vilalonga.
	3	Señor Fonseca (not finished)	Spanish	Señor Machado Figueredo.
North Bank	1	Senhor Lima Viana	Portuguese	Senhor Leopoldo.
	2	M. Regis ainé*	French	M. Parrat.
	3	Senhor Antonio Fernandes	Portuguese	Senhor Monteiro.

At Punta da Lenha.

Nos.	Owners.	Nation.	Houses represented by.
1	Senhor Alexandro	Portuguese	Senhor Ferreira.
2	Señor Carvalho	Spanish	Señor Lopes Guimerães.
3	Senhor Santo Silva	Portuguese	—
4	Senhor Oliveira	Ditto	Senhor Oliveira.
5	Señor Fonseca	Spanish	Señor Machado Figueredo.
6	M. Regis ainé	French	M. Parrat.
7	Senhor Guillermo	Portuguese	Senhor Paulo Vilalonga.
8	Senhor Limas	Ditto	Senhor Limas.
9	Senhor Ferreira	Ditto	Senhor Ferreira.
10	Senhor Barros	Ditto	Senhor Barros.
11	Messrs. Hatton and Cookson	English	Mr. Peter McCulloch.
12	Senhor Fernandes	Portuguese	Senhor Monteiro.
13	Senhor Ramos	Ditto	Senhor Ramos.
14	Senhor Lima Viana	American	Senhor Leopoldo.
15	Herr Kerdyk and Pincoff	Dutch	Herr Baak.
16	Senhor Moreno	Portuguese	Senhor Moreno.

At Boma.

Nos.	Owners.	Nation.	Houses represented by.
1	M. Regis	French ..	Deserted.
2	Senhor Alexandro	Portuguese ..	Ditto.
3	Señor Fonseca	Spanish ..	Señor Martinez.
4	Senhor Antonio Fernandes	Portuguese ..	Senhor Pereira.
5	Senhor Oliveira	Ditto ..	Closed.
6	Señor Carvalho	Spanish ..	Señor Guimerães.
7	Senhor Lemas	Portuguese ..	Closed.
8	Senhor Santa Silva	Ditto ..	Ditto.
9	Senhor Lima Viana	American ..	Ditto.
10	Senhor Barros	Portuguese ..	Destroyed.

The whole of the above houses, with the exception of the English and Dutch (the French house being closed), are engaged in the Slave Trade, which is at the present almost at a stand-still, owing to the great difficulty found in procuring ships.

Several of the houses are insolvent, and if the present dearth of ships continues will certainly be closed.

The little trade done in oil by the Portuguese houses is simply to enable them to pay their way and purchase provisions.

The present prices of slaves at Boma are as follows:—

	Milreis.	In September 1860 it was:—	Milreis.
For a full-grown strong man	25*	For a full-grown strong man	80 to 90
For a boy	20	For a boy	60 to 70
For a young girl	20	For a young girl	80
For a woman	15		

(Signed) J. LAISNE PERRY, *Commander.*

"Griffon," *Turtle Cove, River Congo, September 13, 1863.*

* 5*l.* 10*s.*

No. 126.

Commodore Wilmot to Rear-Admiral Sir B. Walker.

Sir,

"Rattlesnake," *December 9, 1863.*

THE following few remarks connected with the successful return of the "Investigator" from the Niger, in the month of November last, will perhaps afford some interest and information to their Lordships.

It seems that Lieutenant Gambier ascended in the steamer as far as Egga, about 360 miles from the entrance of the river; from thence he advanced a further distance of five miles in his boats, and entered a small river up which he went fifty miles to a village called Wunagi, seven miles from Beda, the capital of King Massaba.

Dr. Baikie accompanied him. At Wunagi they were met by King Massaba's messengers, who informed them that horses would be sent down for their conveyance to his town.

The name of this river is not yet given in any chart, neither has it been surveyed. It will be well to call it by some name connected with this year's expedition. It is about 300 yards across in the broadest part, and from thirty to forty in its narrowest part, depth unknown, but Lieutenant Gambier thinks its average quite two fathoms.

The banks are thick with mangrove and a few trees, but the country is well cultivated, yielding Indian corn and yams. There is also the butter tree, which is about ten feet high, and produces what is called "shea butter," which is used by the natives for food and for greasing their bodies. The leaf of this tree is larger than a laurel leaf, but of the same shape.

There is plenty of cotton, red and white, and large quantities might be grown.

At every village cotton was brought down for sale.

The country seems well populated with much of the same description of people as in other parts of Africa. All were very friendly and anxious for trade.

The soil appears to be most fertile, cotton, Indian and Guinea corn, cassada, the date palm, yams, &c., growing in great abundance. The yams are superior to those in most places on the coast, and the climate from all accounts is very healthy, a fresh breeze blowing up from the sea.

Dr. Baikie came on board at Lukoja, his own place, about 220 miles up, and was greatly rejoiced to see the "Investigator," as his supplies were exhausted, and he had given up all hopes of being relieved this year.

The missionaries were all landed at those places where they had missions embarking again when the "Investigator" returned. All the goods, &c., belonging to those gentlemen were likewise conveyed by Lieutenant Gambier up the river.

There are partridges and guinea fowl, also elephants and buffaloes, in the neighbourhood.

From the entrance of the Niger to Egga, a distance of 360 miles, the average depth in the rainy season is between four and five fathoms, excepting in one part of the ship channel, which was only 10 feet; this of course makes it impossible for vessels drawing more water to proceed further than this shallow part, which is about 200 miles up.

There is another passage the other side of the island, near which this ten feet is, which has not yet been surveyed, and Lieutenant Gambier thinks it highly probable that a deeper channel may be found there.

My opinion, formed upon the information I have been able to obtain, is, that it would well repay one company to take the trade of the Niger into its own hands, encouraged and assisted by a yearly subsidy from the Government, until the trade is regularly and permanently established and certain profits arise.

After this it will be, of course, for Her Majesty's Government to rescind the charter and do away with the monopoly, as they think proper.

It appears that this single ten-foot channel, mentioned above, is the only obstacle, excepting the river bar, to vessels of large draught of water navigating the river, after passing the bar and taking in their cargoes, 300 miles up.

This is a very serious obstacle, but it can be overcome by steamers of light draught towing up large cargo boats or hulks of a considerable size.

The bar is another drawback to vessels drawing much water; there is only twelve feet on it in the rainy season.

A company must therefore be prepared to enter upon their work with two powerful paddle-wheel steamers, drawing when loaded nine feet of water, which is only one foot less than the depth of the channel in its shallowest part, with a good supply of cargo boats or other conveyances as they may deem expedient for river work.

The ship to receive the cargo must be at anchor outside the bar.

These steamers should be armed with one heavy and one light gun, also a proportion of small-arms, rockets, &c., in case of necessity. They should be very fast, well ventilated, and carry at least 100 tons of coal.

A depôt of coal must be in the river at the best selected place, and wood can be obtained very cheap.

I should say that steamers with two rudders would be the best, which will prevent the necessity of turning.

At first some little difficulty will doubtless arise, which must be expected, but the enterprise of British merchants, backed up by the energy and skill of British seamen will conquer every obstacle, and establish a trade in the Niger, that will fully satisfy in a few years every one that is really interested in the happiness and prosperity of Africa.

I have, &c.

(Signed) A. P. EARDLEY WILMOT.

EAST COAST OF AFRICA STATION.

No. 127.

Commander Wilson to Rear-Admiral Sir B. Walker.

Sir, "Gorgon," at the Seychelles, December 17, 1862.
I HAVE the honour to report the capture and destruction of a slave dhow, in latitude 40° 46' south, on the 10th November, by a division of boats of this ship, in charge of Lieutenant Keppel, under the circumstances detailed in Inclosure No. 1 (extract from that officer's proceedings), and to acquaint you that, having reported the case to Mr. Witt, Her Majesty's Acting Consul at Zanzibar, for the information of His Highness the Sultan, I received a letter of which Inclosure No. 2 is a copy.

I have, &c.
(Signed) JNO. C. WILSON.

Inclosure 1 in No. 127.

Lieutenant Keppel to Commander Wilson.

November 28, 1862.

(Extract.) AT 1 P.M. of the 10th November I chased dhow No. 24, which, on perceiving us, made towards a small creek, and regardless of several blank cartridges, and shot fired to bring her to, continued to make away for three hours, when, on our boats approaching her, she was run on shore and abandoned, and from 70 to 80 slaves were seen to leave her.

Finding her a northern dhow totally deserted, without colours or papers, and unmistakably equipped for the Slave Trade, and being fast on shore, I destroyed her by fire, after taking her measurement.

Inclosure 2 in No. 127.

M. de Witt to Commander Wilson.

Zanzibar, December 1, 1862.

Sir, I HAVE the honour to state, in answer to your letter of yesterday's date, that His Highness the Sultan approves of the capture and destroying of a dhow, off Wasseen, by a division of your boats, on the 10th November, she having no papers or flag, having landed her slaves, and the crew abandoned the dhow as your boats came up.

I have, &c.
(Signed) F. DE WITT.
(For Lieutenant-Colonel L. Pelly, Her Britannic Majesty's Consul and Agent at Zanzibar.)

No. 128.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir, "Narcissus," Walwich Bay, December 23, 1862.
IN obedience to the directions contained in your letter dated the 31st October last, to report more fully, for the information of the Lords Commissioners of the Admiralty, the cases of vessels escaping from the East Coast of Africa, with full cargoes of slaves, I beg to inclose extracts from letters I have received from Commander Wilson, of the "Gorgon," and Captain Oldfield, late of the "Ariel," on this subject, and, in corroboration of those officers' statements, I have to acquaint you, that on my recent visit to Zanzibar and Mozambique, these reports of shipments of slaves were confirmed by intelligent Arabs, and at the latter place by a Portuguese gentleman.

2. Two of the shipments are reported to have taken place in European vessels at Keelwa, in March and in May, one of which was under American colours, and the other under Spanish—the latter described as a black barque, which Lieutenant-Colonel Pelly informed me had anchored for several days at the north end of Zanzibar, in the early part of the month of May.

3. The embarkations at Inhambane were confirmed by the Portuguese gentleman above referred to, and I have no reason to disbelieve the reports; but as it is not the interest of a slave-trading people to give particulars of their nefarious business, I am unable to say how many slaves were thus carried off.

I have no doubt that some other vessels, of which we have not heard, have got away, as occasionally we have had no cruisers stationed at the places mentioned. I had also information when at Zanzibar of an American slaver being in one of the ports of Madagascar waiting for a certain time to appear again on the East Coast of Africa for her human freight, probably to be taken in at Keelwa.

4. My reasons for asking for gun-vessels or gun-boats for service at Zanzibar are, first, that an extensive Slave Trade has recently sprung up in that quarter, of which I do not think their Lordships are fully aware. I am informed that in consequence of the prohibition of the exportation of slaves from Tunis and Tripoli, the Arab dealers have transferred their abominable Traffic to the East Coast of Africa, and supply their former slave-markets by the Red Sea and Persian Gulf, through which many thousands of Africans are annually transported, as represented by Lieutenant-Colonel Rigby, Her Majesty's Consul at Zanzibar, of which I received confirmation when at the last-named place (Zanzibar).

5. In the next place, from the prevalence of fresh winds and strong currents in that locality in the slave-trading season, it is not a suitable or safe coast on which to employ boats. There is no good shelter for them, and the maritime natives, being in league with the slave-dealers, are hostile to our people; moreover, the Arab dhows are fleet, and in some instances offer opposition, to the sacrifice of human life.

6. From my own observation, I am convinced that, unless some strong measures are taken to put down this Traffic, it will entirely nullify the advantages of legal trade, and arrest the progress of civilization and Christianity in Eastern Africa. Dr. Livingstone also bears testimony to the thousands of human beings who are taken from the shores of Lake Nyassa, and across that lake, to supply the demands of the slave-dealers on the coast.

I have, &c.
(Signed) B. W. WALKER.

Inclosure 1 in No. 128.

Commander Wilson to Rear-Admiral Sir B. Walker.

(Extract.)

"Gorgon," December 31, 1861.

Ibo is still supposed to be the great resort of Spanish slavers, but though no doubt it is carried on there to a large extent, yet it is so well known and watched that I think the bulk of those vessels (Spanish) now ship their slaves from the coast of Madagascar.

I am informed by Colonel Rigby that he had certain information of two of these vessels shipping their cargoes there last year, a vessel called the "Caridad" acting as decoy.

Probably the slaves were taken in dhows from Ibo to the port settled on. I have since heard from different sources that the above is the case.

When the boats from the ship under my command were last at Ibo they landed the interpreter, who reported that upwards of 1,000 slaves were collected for export, and that a large proportion were in the fort chained by the necks in gangs.

From Delgado to Quiloa (including the ports of Mongulho, Lindy, Kiswara, and others) the Slave Trade flourishes; thousands are taken north and south yearly in the country crafts, &c. Several large vessels have lately shipped their slaves from these ports, especially from Mongulho.

N.B.—I have just heard that a Spanish ship took a cargo of slaves from Mongulho about the 15th of November last.

Inclosure 2 in No. 128.

Commander Oldfield to Rear-Admiral Sir B. Walker.

(Extract.)

"Ariel," February 11, 1862.

Ibo.—ONE European vessel has obtained a cargo of slaves from this vicinity in the early part of this half-year; another attempted, but failed.

His Excellency the present Governor gives one every reason to believe that he is averse to the Slave Trade,

and makes the best use of the boats, &c., at his command to prevent slavers, Europeans or native, shipping or obtaining their cargoes in his Government.

Slaves have been both plentiful and cheap in this district during the period of this Report; by that it may be inferred that the export has not been very brisk, and that in taking evidence for the number of European slavers off and about this district during the twelve months as three, I am not very far wrong.

From this district it may be estimated that without doubt some 1,200 to 1,500 slaves have been exported in European slave-vessels.

Zanzibar.—One European slaver (and I believe the one made mention of as having failed in her object at Ibo) succeeded in running a cargo from Mongulho or its vicinity in the month of November, slaves being both plentiful and cheap both at Quiloa and the vicinity of Ibo at the time; it is as likely she obtained her cargo from one locality as the other, or from both.

Inclosure 3 in No. 128.

Commander Oldfield to Rear-Admiral Sir B. Walker.

(Extract.)

"Ariel," May 17, 1862.

European Slave Trade.—ONE Spaniard has been heard of between Ibo and Zanzibar in the months of January, February, and March (early part).

Two vessels succeeded in running cargoes from Inhambane, latitude 23° 51' south, or its neighbourhood last year. It is to be regretted that the station south of Sofala is not, and has not been, worked, in consequence of the paucity of cruisers.

The cruiser so ordered should be a vessel whose sailing and steaming qualities would command success in chase.

Inclosure 4 in No. 128.

Commander Oldfield to Rear-Admiral Sir B. Walker.

(Extract.)

"Ariel," June 30, 1862.

European Vessels.—ONE I have heard of seeking for a cargo in the vicinity of Quiloa in the end of February and March (early part), and subsequently heard of in the vicinity of Pemba in the middle of March.

Two other vessels have been reported to me as having run cargoes from the country lying between Inhambane and Delagoa Bay—I believe the former—and one other from Delagoa.

No. 129.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

"Narcissus," Simon's Bay, July 17, 1863.

SUBMITTED for the information of their Lordships, observing that this is one of many cases of Arab dhows carrying French colours, under the cloak of which slaves are transported to the Colonies of Mayotte and Nos Beh. As it is not clear whether the dhow had any papers beyond a pass from the French Consul at Zanzibar, I have called upon Commander Chapman for full particulars of this case.

(Signed) B. W. WALKER.

Inclosure 1 in No. 129.

Commander Chapman to Rear-Admiral Sir B. Walker.

(Extract.)

"Ariel," Zanzibar, March 6, 1863.

ADVERTING to my letter of the 26th ultimo, I have the honour to inclose a copy of a letter I have addressed to Her Majesty's Acting Consul at Zanzibar with reference to a dhow under French colours which was boarded by Her Majesty's ship I command, on the 26th ultimo, off Comoro under very suspicious circumstances.

You will perceive that the movements of this dhow were most suspicious; she had no cargo whatever, and there were twenty-eight passengers on board, if you can call them so, considering they were mostly children, and did not know their names and destination.

This is a second case of a like nature in which I have seen the French flag abused, and I consider it my duty to bring the matter before your notice, trusting that my proceedings will meet with your approval.

I have no hesitation in saying that I think this dhow was about to ship slaves at Comoro for Mohilla; she had met the dhow I detained and destroyed at Quiloa, and had sailed in company with her: moreover, the captain of the vessel I captured desired to be put on board of her, together with his crew, with which request I complied. I have also learnt that the owner of this vessel has an agreement to ship a certain number of slaves annually for Mohilla and the north-west coast of Madagascar, from thence to be conveyed quietly to Nos Beh and Mayotte.

Inclosure 2 in No. 129.

Commander Chapman to Her Majesty's Acting Consul, Zanzibar.

Sir, "Ariel," Zanzibar, March 6, 1863.
 I HAVE the honour to inform you that, on the 26th ultimo, when off Comoro in Her Majesty's ship under my command, I boarded a dhow, under French colours, bound from Zanzibar to Mayotte, having a pass signed by the Acting French Consul at Zanzibar.

This vessel was named the "*Fataon Salama*," of 33 tons, belonging to Mogue Gomé, Monosa Montimou captain, and left Zanzibar on the 14th February for Mayotte, to touch at Comoro on her way, having a passport for fourteen crew and twenty-eight passengers.

This dhow was visited and the passengers mustered, and it was discovered that she left Zanzibar with no passengers whatever, although her papers distinctly said she had twenty-eight passengers from Zanzibar to Mayotte. The passengers found on board were brought on board at Quiloa, and appeared to be slaves and not passengers. They were mostly children, and did not know their names as described on the passenger list; they were also ignorant of their destination.

She was sailing in company with a dhow having neither papers nor colours, owned and manned by Sooree Arabs, having a slave-deck and 4 slaves on board, which had also visited Quiloa, but had heard that a man-of-war was in the vicinity, and had therefore run for Marony, where she was to ship some 100 to 150 slaves which had been, a few weeks previously, landed from a dhow seized by the cutter of this ship.

The captains of these two dhows seemed thoroughly to understand each other, and it is my firm impression that this vessel under French colours was about to ship slaves at Comoro.

I have represented the whole case to Her Britannic Majesty's Government, informing them that this is certainly not the first case I have seen of the French flag fraudulently assumed, although the papers furnished from Zanzibar were correct; as I am confident His Imperial French Majesty the Emperor is not aware of these most suspicious proceedings.

I have, &c.
 (Signed) W. C. CHAPMAN.

No. 130.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir, "Narcissus," Simon's Bay, October 19, 1863.
 REFERRING to your letter of 7th October, 1862, relative to the Sultan of Zanzibar fulfilling the Treaties with the British Government for the suppression of Slave Trade, I have the honour to submit for the information of their Lordships a letter I have received from Captain Gardner of the "*Orestes*," whom I ordered to confer with Her Majesty's Consul at that place on the subject, and I am glad to learn that the Sultan is now doing his best to carry out the Treaties with good faith.

I have, &c.
 (Signed) B. W. WALKER.

Inclosure 1 in No. 130.

Captain Gardner to Rear-Admiral Sir B. Walker.

Sir, "Orestes," Zanzibar, July 25, 1863.
 UPON arriving at this port, I communicated at once with Captain Playfair on the subject of your instructions to confer with Her Majesty's Consul as to the best mode of carrying out the views of Her Majesty's Government for compelling the Sultan to observe the Treaties for the suppression of Slave Trade.

I inclose a copy of Captain Playfair's letter to me, from which you will see that the Political Agent does not consider it necessary at the present time to make any further representations to the Sultan, whom he has every reason to think is doing his best to carry out the Treaty in good faith.

I am, &c.
 (Signed) A. H. GARDNER.

Inclosure 2 in No. 130.

Lieutenant-Colonel Playfair to Captain Gardner.

(Extract.)

Zanzibar, July 24, 1863.

I HAVE the honour to acknowledge the receipt of your letter of 20th June, received on 22nd instant.

I do not entertain the belief that the Slave Trade has been carried on with greater activity than formerly, though I must say that it does not appear to have sustained any very decided check; nevertheless, the Sultan has during the past season manifested the utmost anxiety to fulfil his Treaty obligations. He has resisted the Northern Arabs in a most determined manner and by force of arms, and he has confiscated nearly 300 slaves which they had purchased or kidnapped for exportation.

He has further promised me that he will use even greater exertions during the coming season, and he has agreed to prohibit entirely the transport of slaves, even from port to port, in his own dominions during the season when they can be exported to Arabia.

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It appears to me that these engagements, if carried out in good faith, are all that can reasonably be demanded of him; and I hope that you will agree with me in thinking that it will be unnecessary to make any further representations till we are assured that he has failed in his promises—the rather that the entire question of the Slave Trade is now under the consideration of Her Majesty's Government, to whom it has been or will immediately be submitted by the Government of Bombay.

No. 131.

Rear-Admiral Sir B. Walker to the Secretary to the Admiralty.

Sir,

"Narcissus," Simon's Bay, November 19, 1863.

IN transmitting the Report on the Slave Trade for the information of their Lordships I beg to observe that I consider the best and only means to stop the extensive Slave Trade carried on by the Northern Arabs from the Zanzibar Coast will be to keep three or four gun-vessels of 80-horse power, or of the new class 60-horse power, stationed there continuously for two or three years. The Sultan, finding such vessels constantly in that locality ready to support him, would carry out his laws against these marauders with greater vigour, and their nefarious trade would very shortly cease.

9. The officers of the gun-vessels would acquire greater experience of the Arab character than can be obtained by those of a casual cruiser: such arrangement would tend to further the development of lawful trade and help to civilize that remote part of the world.

3. A slight modification of the squadron would meet this plan without increase of expense.

I have, &c.
(Signed) B. W. WALKER.

NORTH AMERICA AND WEST INDIA STATION.

No. 132.

Vice-Admiral Sir A. Milne to the Secretary to the Admiralty.

Sir,

"Nile," at Bermuda, January 9, 1863.

I BEG you will acquaint their Lordships that Commander Grant, of Her Majesty's ship "Steady," has, in a letter dated Havana, 11th December last, furnished me with the following information respecting the Slave Trade on the coast of Cuba :—

"Her Majesty's Consul at this port has given me the following information of the landing of slaves, viz. :—

"A cargo of about 1,000 slaves was landed on Sunday last the 7th instant, at the sugar estate "Proyectos" in the district of Remedios ; the Captain-General has dismissed the Lieutenant-Governor.

"Another cargo of 650 slaves was landed on the Isle of Pines last week ; the Lieutenant-Governor has also been dismissed.

"A third cargo is said to have been landed from a small schooner at Mariando (ten miles from Havana) the night before last.

"A large cargo has also been landed at the Jardinillos cays, and has been brought over to the mainland at Mayabeque, &c., by small coasting vessels."

I have, &c.

(Signed) ALEX. MILNE.

No. 133.

Vice-Admiral Sir A. Milne to the Secretary to the Admiralty.

(Extract.)

"Nile," at Bermuda, February 5, 1863

REFERRING to your letter of the 17th October last, relative to the steamer "Noc Daqui" being engaged in the Slave Trade, I have now the honour to inclose, for their Lordships' information, a copy of a letter I have just received from Commander Grant of Her Majesty's ship "Steady," detailing his proceedings in consequence of receiving information of her being at the Island of Mugerres, and reporting that she had been seized by Rear-Admiral Wilkes on the ground of her having been transferred to the Confederate Government.

2. I have expressed to Commander Grant my entire approval of his proceedings.

Inclosure 1 in No. 133.

Commander Grant to Commodore Dunlop.

(Extract.)

"Steady," Havana, January , 1863.

ON arriving off this port on the 5th instant, I intended communicating by boat with Her Majesty's Consul, and avoid bringing the ship into the harbour, that being disallowed by the authorities (the circumstances whereof I have reported in a separate letter), and Her Majesty's Consul wishing to see me I got steam up and came in at 8 P.M.

Mr. John Crawford, Vice-Consul, then gave me information of a celebrated slave-steamer being at Isla Mugerres, Yucatan ; and as it was apparent dispatch was necessary, I considered myself justified in using steam, to be there, if not before, at least as soon as the smack alluded to in Mr. Crawford's letter.

I left Havana at 10 P.M. the 5th instant, and when twenty-five miles off Isla Mugerres, at sunset of the 7th, brought-to the smack, which had on board a Mr. Drain, merchant of Havana, with 200 doubloons. As the smack

by the register had no business there, and Mr. Drain stating that though he had unfortunately destroyed his papers yet he could assure me he was engaged in the Confederate and not in the Slave Trade, I accordingly detained the smack to give him an opportunity of verifying his statement.

On arriving at Isla Mujeres the following morning, I found both steamer and schooner there in charge of an officer and fifty men (Marines) of the "Wachusett," which ship, bearing the flag of Admiral Wilkes, arrived soon after my anchoring. I communicated with him, and he confirmed the particulars of the statement Mr. Drain had made, that the "*Noc Daqui*" had *bonâ fide* Confederate papers.

From information received at Isla Mujeres, I am led to believe that slaves are landed on that island and thence transferred to Cuba by small vessels. A barracoon was found there, and, from appearances, lately erected.

The crew are all well.

Inclosure 2 in No. 133.

Statement made by Mr. Drain.

THE "*Noc Daqui*" was owned by Señor Julien de Zulueta, planter and merchant, and while engaged by him ran several cargoes of negroes to Cuba. Getting, however, very notorious, about one year ago he sent her to Truxillo, the Governor thereof having been previously bribed to get a proper clearance, and thus evade the chance of capture. While there a British ship of war (the "*Spiteful*") arrived, and as there was some doubt as to the legality of capturing her, she sailed, saying she would be back in two or three days, and if the "*Noc Daqui*" was there then, she would be taken. Accordingly she sailed (her machinery being out of order) for Bordeaux, was repaired there, re-equipped for the Slave Trade, but as a blind took in a cargo of wine for Vera Cruz, and was cleared for that port. On the way she went for the coast of Africa, threw overboard part of the wine, and taking in slaves, successfully ran them on the south side of Cuba about the 1st December last. Thence she proceeded towards Vera Cruz; breaking down in the machinery, however, she put into Isla Mujeres somewhere about the 4th December. The Mexican authorities at the island, finding the crew away, seized her, on suspicion of being engaged in the Slave Trade, about the 22nd December, and sent the crew to Madrid. Admiral Wilkes, passing the island on the 29th, fancied it was the "*Alabama*," and went in, when the Mexicans, fearing every day the arrival of the French, delivered her up to him, and he then discovered she was to be employed in the Confederate trade, but told the captain, who had arrived for her since her capture by the Mexicans, that he had put the men on board merely as requested by the Mexicans, and should return in ten days, when he would take the guard away. He went to Havana and there obtained sufficient information to seize her.

Her Confederate history is this:—

About the 1st December Zulueta represented to the Confederate interest that the "*Noc Daqui*" was in first-rate order for running the blockade to Mobile, and would have had 45,000 dollars for her, but on receiving information that she was at Mujeres and completely broken down, he informed Mr. Drain that the contract was void; but he again had information that she was not in such a bad condition but that she might be repaired where she was. Zulueta offered her for 15,000 dollars, which was accepted; and on the 13th December the schooner "*Papita*" (John Johnstone) was dispatched with 5,000 blankets, 4,500 pairs of shoes, 100 sacks of salt, and a crew of 39 men, including the captain and engineer. The shipping-master not doing his business quietly, Admiral Wilkes heard of the steamer, and went round by Cienfuegos in search of her, as she was then believed to be on the coast of Cuba. Much delay had occurred already and the schooner did not arrive till the day after the "*Noc Daqui*" was seized (the 23rd), and was also seized immediately. A vessel with the information was sent to Havana, but did not arrive till the 2nd January, and on the 3rd Mr. Drain left with 200 ounces, intending to buy off the Mexicans in charge, or, if that failed, to endeavour with his crew to seize her, and going to sea land the guard in the smack. On his arrival on the 6th, he found the Americans in charge, saw his captain, and then thinking from what Admiral Wilkes had told the captain before leaving on the 29th December, that he would take the crew off and blockade the harbour, he authorized the engineer continuing repairs. Hearing the Mexicans intended seizing him he left at once.

The "*Noc Daqui*" is now called the "*Virginia*," she is barque-rigged; 400 horse-power; 900 tons; part of the slave-deck still remaining.

(Signed) H. D. GRANT, *Commander, H.M.S. "Steady."*

January 15, 1863.



Class B.

947

CORRESPONDENCE

WITH

BRITISH MINISTERS AND AGENTS

IN

FOREIGN COUNTRIES,



AND WITH

FOREIGN MINISTERS IN ENGLAND,

RELATING TO

THE SLAVE TRADE.

From January 1 to December 31, 1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

LONDON:

PRINTED BY HARRISON AND SONS.

[3339, I]

LIST OF PAPERS.

AFRICA. (Consular)—*Bight of Benin.*

No.		Date.	Receipt.	SUBJECT.	Page
		1862	1863		
1.	Consul Freeman to Earl Russell	Nov. 20	Jan. 13	State of relations between Lagos and Abbeokuta	1
2.	" " "	Dec. 6	Jan. 13	Correspondence with Commodore relative to the affairs of Abbeokuta	4
3.	Earl Russell to Consul Freeman	Jan. 31	"	Approves Commodore Wilmot's views on affairs of Abbeokuta	5
4.	" " "	Feb. 6	"	Approving his proceedings to obtain redress for robberies committed by Egbas	5
5.	Consul Freeman to Earl Russell	Jan. 3	Feb. 12	Abbeokuta has not paid for robberies on Niger expedition	6
6.	Earl Russell to Consul Freeman	Feb. 21	"	May blockade Abbeokuta River to procure reparation for outrages committed by the Egbas	6
7.	Consul Freeman to Earl Russell	Mar. 2	Apr. 13	Has closed all trade with Abbeokuta and Egba country	7
8.	" " "	Apr. 6	May 16	Has removed blockade of Abbeokuta	7
9.	" " "	Mar. 20	May 18	Mr. Mc Coskry wants to rent hulk of slaver at Lagos to trade in Niger	8
10.	Earl Russell to Acting Consul Glover	May 23	"	Respecting Mr. Mc Coskry's expedition up the Niger	10
11.	Acting Consul McCoskry to Earl Russell	May 9	June 10	Vessel, without colours or papers, adjudicated at Lagos	10
12.	Consul Freeman to Earl Russell	Apr. 10	June 20	Settlement of Mr. Henry's case at Benin River	11
13.	Mr. Layard to Acting Consul Glover	June 23	"	Try to obtain 36 <i>l.</i> 2 <i>s.</i> 6 <i>d.</i> , Mr. Dalton's claim against Abbeokutans	22
14.	Acting Consul Glover to Earl Russell	June 9	July 12	State of affairs round Lagos	22
15.	Earl Russell to Acting Consul Glover	July 20	"	Approving his proceedings as reported in despatch of 9th June	24
16.	Earl Russell to Consul Freeman	July 31	"	Approving steps taken by him for settlement of questions in Benin River	24
17.	Acting Consul Glover to Earl Russell	July 10	Aug. 14	Letter from Mr. Henry, and statement of claims	24
18.	" " "	July 10	Aug. 14	Contract with Mr. Mc Coskry for Dr. Baikie's supplies	26
19.	Earl Russell to Acting Consul Glover	Aug. 24	"	Relative to Mr. Mc Coskry's vessel being towed up the Niger	26
20.	Acting Consul Glover to Earl Russell	Aug. 7	Sept. 11	Receipt of despatch respecting Mr. Dalton's claim	26
21.	" " "	Aug. 8	Sept. 11	Correspondence with authorities of Abbeokuta	27
22.	" " "	Aug. 9	Sept. 11	Dr. Baikie's supplies purchased at Lagos	28
23.	" " "	Sept. 8	Oct. 13	Despatch to Commodore Wilmot, and orders to Mr. Mc Coskry respecting Dr. Baikie	28
24.	Earl Russell to Acting Consul Glover	Oct. 23	"	Approving instructions to Mr. Mc Coskry to communicate with King Massaba and Dr. Baikie	30
25.	Acting Consul Glover to Earl Russell	Nov. 6	Dec. 11	Mr. Mc Coskry's Report on expedition up the Niger	30

AFRICA. (Consular)—*Bight of Biafra.*

No.		Date. 1863	Receipt. 1863	SUBJECT.	Page
26.	Earl Russell to Consul Burton	Jan. 12	..	Agreement with King Pepple for exclusive trade in Bonny not lawful	34
27.	Consul Burton to Earl Russell	Jan. 10	Jan. 23	Observations on Trade of the Niger	38
28.	Mr. Layard to Consul Burton	Mar. 23	..	African labourers from Brass River to Fernando Po	39
29.	Consul Burton to Earl Russell	May 8	June 10	Disturbed state of coast. Has applied for a cruiser	39
30.	Earl Russell to Consul Burton	June 23	..	Respecting his proposed visit to Dahomey	39
31.	Mr. Layard to Consul Burton	June 23	..	Her Majesty's Government cannot sanction new tariff in Bonny River	40
32.	Earl Russell to Consul Burton	July 23	..	Presents to King of Dahomey	41
33.	Consul Burton to Earl Russell	June 27	Aug. 14	Affairs connected with King Pepple	41
34.	Earl Russell to Consul Burton	Aug. 20	..	Mission to Dahomey. Instructions	41
35.	" "	Aug. 20	..	Ditto. Further instructions	43
36.	" "	Nov. 21	..	King Pepple will not be allowed to raise higher dues than those sanctioned by Treaty	43
37.	Consul Burton to Earl Russell	Oct. 27	Dec. 12	Receipt of instructions relative to his visit to Dahomey	44
38.	Mr. Layard to Consul Burton	Dec. 22	..	To obtain King of Dahomey's protection for Mr. Craft	45

BRAZIL.

39.	Earl Russell to Mr. Christie	1863 Jan. 8	1863 ..	Are any Africans at Itapura free by virtue of British and Brazilian Convention?	46
40.	Mr. Christie to Earl Russell	1862 Dec. 15	Jan. 21	Note respecting free blacks	46
41.	" "	1863 Jan. 24	Feb. 23	Malpractices respecting free blacks. Extract from newspaper	47
42.	" "	Feb. 26	Apr. 6	Slave population in Brazil decreasing, &c.	47
43.	" "	Feb. 26	Apr. 6	Free Africans at Itapura. Note to M. d'Abrantes	48
44.	" "	Mar. 5	Apr. 6	Ditto. Further correspondence	48
45.	Mr. Elliot to Earl Russell	Apr. 3	May 7	Difficulty of free Africans obtaining liberty	50

BRAZIL. (Consular)—*Bahia.*

46.	Consul Morgan to Earl Russell	1862 Dec. 31	1863 Feb. 4	Prices of slaves	52
47.	" "	1863 June 30	Aug. 3	Ditto	52

BRAZIL. (Consular)—*Maranhão.*

48.	Vice-Consul Wilson to Earl Russell	1863 Sept. 30	1863 Nov. 19	No renewal of Slave Trade	53
-----	--	------------------	-----------------	---------------------------------	----

BRAZIL. (Consular)—*Pará.*

49.	Consul Perry to Earl Russell	1863 Jan. 10	1863 Mar. 6	No renewal of Slave Trade	53
50.	" "	Jan. 10	Mar. 6	Prices of slaves	53
51.	" "	Mar. 31	May 22	No renewal of Slave Trade	54
52.	Acting Consul Bond to Earl Russell	July 10	Aug. 31	Ditto	54
53.	" "	July 10	Aug. 31	Prices of slaves	54
54.	Consul Perry to Earl Russell	Sept. 30	Nov. 19	No renewal of Slave Trade	55

BRAZIL. (*Consular*)—*Pernambuco.*

No.	Date.	Receipt.	SUBJECT.	Page
	1863	1863		
55. Consul Hunt to Earl Russell	Jan. 3	Feb. 4	No slaves imported during past year	55

BRAZIL. (*Consular*)—*Rio de Janeiro.*

56. Acting Consul Hollocombe to Earl Russell	1863 Jan. 2	1863 Feb. 4	Prices of slaves	56
57. " " "	July 2	Aug. 3	Ditto	56

BRAZIL. (*Consular*)—*Rio Grande do Sul.*

58. Acting Consul Gollan to Earl Russell	1862 Dec. 31	1863 Mar. 6	Prices of slaves	57
59. " " "	1863 July 2	Aug. 31	Ditto	58

CENTRAL AMERICA.

60. Mr. Mathew to Earl Russell	1863 Aug. 29	1863 Oct. 14	Occurrences at Truxillo	59
--------------------------------	-----------------	-----------------	-------------------------	----

COMORO ISLANDS.

61. Mr. Layard to Consul Sunley	1863 May 5	1863 ..	Why has he not answered respecting slaves on his estate?	61
62. Consul Sunley to Earl Russell	1862 Dec. 31	July 7	Four dhows have landed slaves at Mohilla	61
63. " " "	1863 Feb. 20	July 7	Boat of Her Majesty's ship "Ariel" chased a dhow on shore at Comoro	61
64. " " "	Feb. 22	July 7	Relative to his employing slaves on his plantation	62
65. Earl Russell to Consul Sunley	July 31	..	Refusal of Chief of Maroni to give up slaves	62
66. " " "	July 31	..	Must give up slave labour in six months or resign his post	62

FRANCE.

67. Earl Russell to Earl Cowley	1863 Jan. 13	1863 ..	Proceedings of the "Noc Daqui".	63
68. Earl Cowley to Earl Russell	May 21	May 23	Respecting shipment of slaves from Aghwey	63
69. Earl Russell to Earl Cowley	May 23	..	Correspondence respecting boarding of French vessels	64
70. " " "	May 27	..	Governor of Lagos had no excuse for seizing persons who fitted out the "Noc Daqui"	64
71. " " "	June 30	..	Commodore Wilmot's visit to Dahomey. Intention of sending Captain Burton	65
72. " " "	June 30	..	Correspondence with African Aid Society respecting Dahomey	65
73. Earl Cowley to Earl Russell	July 2	July 3	African Aid Society's letter. Should it be communicated to French Government?	67
74. Earl Russell to Earl Cowley	July 3	..	Ditto. Should be communicated to French Government	67
75. Earl Cowley to Earl Russell	July 7	July 8	Ditto. Has communicated to French Government	67
76. " " "	July 23	July 24	"Noc Daqui." Judgment at Bordeaux respecting	68

No.		Date. 1863	Receipt. 1863	SUBJECT.	Page
77.	Earl Russell to Earl Cowley	Sept. 11	..	Dhow, under French colours, boarded by Her Majesty's ship "Ariel," off Comoro	69
78.	Mr. Grey to Earl Russell	Sept. 15	Sept. 16	Ditto. Has communicated to French Government.	69
79.	Earl Russell to Earl Cowley	Oct. 31	..	Memorial from people of Hanover in Jamaica	69
80.	" "	Nov. 30	..	Assumption of French flag by Arab slavers	70

MUSCAT. (Consular)—Zanzibar.

		1863	1863		
81.	Lieutenant-Colonel Playfair to Earl Russell.	Aug. 26	Oct. 9	Copies of despatches to Bombay Government on Slave Trade ..	72
82.	" "	Sept. 20	Nov. 21	Correspondence with French Consul respecting assumption of French flag by Arab slavers ..	75
83.	Earl Russell to Lieutenant-Colonel Playfair.	Nov. 30	..	Treaties with Nakeerbs of Shuhar and Maculla. Communicate to Sultans of Zanzibar and Muscat ..	79
84.	Lieutenant-Colonel Playfair to Earl Russell	Nov. 16	1864 Mar. 15	Copy of despatch to Government of Bombay	8

NETHERLANDS.

		1863	1863		
85.	Earl Russell to Sir J. Milbanke	Jan. 21	..	Case of " <i>Jane</i> ." Mr. Skelton's Reports	85
86.	Sir J. Milbanke to Earl Russell	Feb. 23	Feb. 28	Case of " <i>Jane</i> "	85
87.	Earl Russell to Sir J. Milbanke	Mar. 18	..	Account sales of " <i>Jane</i> "	86
88.	" "	May 25	..	No information respecting captain and crew of " <i>Jane</i> "	86
89.	Mr. Ward to Earl Russell	Nov. 24	Nov. 30	" <i>Jane</i> ." Requests original papers in case of	86

NETHERLANDS. (Consular)—Rotterdam.

		1863	1863		
90.	Consul Sir R. Turing to Earl Russell	Jan. 3	Jan. 6	Captain Prince, of " <i>Jane</i> ," not allowed to become a Dutch subject	87

PORTUGAL.

		1863	1863		
91.	Sir A. Magenis to Earl Russell	Feb. 7	Feb. 16	Transmitting despatch from Mr. Hewitt. Death of Mr. Gabriel ..	88
92.	Earl Russell to Sir A. Magenis	Feb. 20	..	Thanks to Governor of Angola for sympathy at Mr. Gabriel's funeral	88
93.	Sir A. Magenis to Earl Russell	Mar. 17	Mar. 26	Mr. Gabriel's funeral, and appointment of Mr. Vredenburg ..	88
94.	" "	Mar. 24	Apr. 6	Ditto	89
95.	Earl Russell to Sir A. Magenis	Apr. 13	..	" <i>Mondego</i> " engaged in Slave Trade. Parties should be punished ..	90
96.	" "	May 8	..	Boarding of " <i>Paquete de Mossamedes</i> "	90
97.	" "	May 23	..	Capture of " <i>Island Queen</i> ." Slave Trade in Portuguese Possessions on West Coast of Africa ..	90
98.	" "	May 25	..	Capture of " <i>Liberdade</i> ." Offenders should be punished ..	91
99.	" "	May 25	..	" <i>Paquete de Mossamedes</i> ." Disapproval of Commander Smith's boarding her	91
100.	Sir A. Magenis to Earl Russell	June 5	June 12	Denial by Portuguese Government that slaves are sent from Loanda to St. Thomas	91
101.	Earl Russell to Sir A. Magenis	June 26	..	" <i>Paquete de Mossamedes</i> ." Note to Count Lavradio	97

No.				Date.	Receipt.	SUBJECT.	Page
103.	Sir A. Magenis to Earl Russell	..	..	1863 June 19	1863 July 5	" <i>Island Queen</i> " and " <i>Liberdade</i> ." Has informed Portuguese Govern- ment of capture ..	100
104.	"	"	..	June 19	July 5	Commander Smith of " <i>Torch</i> ." Has expressed disapproval to Por- tuguese Government ..	100
105.	"	"	..	June 22	July 5	Connivance at Slave Trade of Por- tuguese authorities in Mozambique. Reply ..	101
106.	"	"	..	June 26	July 5	" <i>Paquete de Mossamedes</i> ." Satis- faction of Portuguese Government at conduct of Her Britannic Ma- jesty's Government ..	109
107.	Earl Russell to Sir A. Magenis	..	..	July 20	..	Condemnation of " <i>Laura</i> " ..	111
108.	"	"	..	Aug. 8	..	Capture of launch by Portuguese authorities. Increase of Slave Trade southward of Loanda ..	111
109.	"	"	..	Oct. 8	..	Respecting libertos sent to St. Thomas ..	112
110.	Sir A. Magenis to Earl Russell	..	..	Oct.	Nov. 4	Ditto. Note to the Duke of Loulé ..	112
111.	"	"	..	Nov. 11	Nov. 19	Despatch from Mr. Vredenburg re- specting libertos ..	113
112.	"	"	..	Nov. 26	Dec. 5	Portuguese Government cannot pre- vent shipment of libertos to St. Thomas when provided with proper documents ..	113
113.	Earl Russell to Sir A. Magenis	..	..	Dec. 17	..	Slave Trade from Portuguese domi- nious ..	116

PORTUGAL. (*Consular*)—*Cape Verds.*

114.	Acting Consul Coaffee to Earl Russell	..	..	1863. Sept. 30	1863 Nov. 5	Slavers calling at Porto Praya ..	116
------	---------------------------------------	----	----	-------------------	----------------	-----------------------------------	-----

PORTUGAL. (*Consular*)—*Quillimane.*

116.	Dr. Livingstone to Earl Russell	..	..	1862 Dec. 29	1863 July 22	Slave Trade in the valley of the Shire and Tette ..	118
117.	"	"	..	1863 Jan. 28	July 22	Slave trading operations of Marianno and other Portuguese ..	123

SPAIN.

118.	Sir J. Crampton to Earl Russell	..	..	1863 Jan. 6	1863 Jan. 10	Shipment of slaves at Aghwey ..	125
119.	Earl Russell to Sir J. Crampton	..	..	Jan. 13	..	Proceedings of " <i>Noc Daqui</i> " ..	125
120.	"	"	..	Jan. 21	..	Approves proceedings respecting shipment of slaves at Aghwey ..	126
121.	Sir J. Crampton to Earl Russell	..	..	Jan. 3	Jan. 27	Measures of police for suppressing Slave Trade in Cuba ..	126
122.	"	"	..	Jan. 23	Jan. 27	Landing of slaves at Aghwey. In- formation to Minister of Colonies ..	127
123.	"	"	..	Jan. 30	Feb. 3	" <i>Noc Daqui</i> ." Note to Spanish Government ..	127
124.	"	"	..	Jan. 28	Feb. 7	Cuban Slave Trade. Conversation with Duke de la Torre ..	128
125.	"	"	..	Feb. 14	Feb. 18	Speech of General Serrano against Slave Trade ..	129
126.	Earl Russell to Sir J. Crampton	..	..	Feb. 19	..	Despatch from Havana and Vigo respecting Slave Trade ..	130
127.	"	"	..	Feb. 21	..	Landing of slaves in Cuba ..	130
128.	"	"	..	Mar. 19	..	Capture of " <i>Noc Daqui</i> " ..	130
129.	"	"	..	Mar. 26	..	" <i>Island Queen</i> ." To call attention of Spanish Government to case of ..	130
130.	Sir J. Crampton to Earl Russell	..	..	Mar. 25	Mar. 30	" <i>Noc Daqui</i> ." As to whether owners are to be prosecuted ..	131
131.	Earl Russell to Sir J. Crampton	..	..	Apr. 6	..	Landing of slaves from the " <i>Noc Daqui</i> " ..	131
132.	Mr. Edwardes to Earl Russell	..	..	Apr. 18	Apr. 22	Case of " <i>Noc Daqui</i> " referred to Colonial Office ..	132

No.		Date. 1863	Receipt. 1863	SUBJECT.	Page
133.	Earl Russell to Mr. Edwardes	Apr. 22	..	" <i>Buenaventura Cubano</i> ." Testimony of Commander Smith that she was engaged in the Slave Trade	132
134.	"	Apr. 30	..	Landing of slaves at Trinidad	133
135.	"	May 5	..	Case of " <i>Island Queen</i> ." To call attention of Spanish Government	133
136.	"	May 5	..	Capture of slaver by " <i>Brisk</i> " off Annabon	133
137.	Mr. Edwardes to Earl Russell	Apr. 27	May 6	Communication between ships and port at Havana	134
138.	"	May 8	May 14	" <i>Island Queen</i> ." Note to M. Miraflores	134
139.	"	May 8	May 14	" <i>Buenaventura Cubano</i> ." Case of	135
140.	Earl Russell to Mr. Edwardes	June 11	..	Thanks to Colonel Causillos for praiseworthy conduct	136
141.	Mr. Edwardes to Earl Russell	June 26	July 2	Satisfaction at conduct of Colonel Causillos. Express to Marquis of Miraflores	137
142.	Earl Russell to Mr. Edwardes	July 7	..	Cuban Slave Trade. Mr. Crawford's Reports	137
143.	Mr. Edwardes to Earl Russell	July 20	July 25	Conversation with Marquis of Miraflores on Cuban Slave Trade	137
144.	Earl Russell to Mr. Edwardes	July 28	..	Complaint against Commander Robeck, of Her Majesty's ship " <i>Myrmidon</i> "	138
145.	"	July 31	..	Walter Ridley. Spanish law in Cuba against coloured British subjects	140
146.	Mr. Edwardes to Earl Russell	Aug. 17	Aug. 23	Cuban laws respecting British coloured subjects	141
147.	"	Aug. 27	Sept. 1	" <i>Buenaventura Cubano</i> ." Further communication respecting	142
148.	Earl Russell to Mr. Edwardes	Sept. 1	..	Hope Spanish Government will allow British cruizers to anchor off Cuba	142
149.	"	Sept. 3	..	Respecting dismissal of Spanish authorities in Cuba	143
150.	Earl Russell to Sir J. Crampton	Oct. 27	..	Treatment of emancipados in Cuba.	143
151.	"	Oct. 31	..	Memorial from inhabitants of Jamaica respecting Slave Trade	144
152.	"	Nov. 12	..	Her Majesty's Government rejoice at decrease of Slave Trade, but Slave Trade should be made piracy	144
153.	Sir J. Crampton to Earl Russell	Nov. 13	Nov. 17	Treatment of emancipados. Note from Spanish Government	144
154.	"	Dec. 16	Dec. 22	Action of Penal Code on Slave Trade. Conversation with M. de Miraflores	145
155.	"	Dec. 23	Dec. 29	Spanish Government have sent note of the 16th instant to Colonial Department	147

SPAIN. (*Consular*)—Bilbao.

	1863	1863	
156. Consul Young to Earl Russell	Jan. 5	Jan. 9	" <i>Noc Daqui</i> " landed 1,010 slaves at Havana .. 147

SPAIN. (*Consular*)—Cadiz.

	1863	1863	
157. Consul Brackenbury to Earl Russell	Feb. 5	Feb. 11	" <i>Souther</i> ," sailing of .. 148
158.	Feb. 26	Mar. 5	Sailing of Spanish ship " <i>America</i> " from West Coast of Africa .. 148
159. Mr. Murray to Consul Brackenbury	Mar. 26	..	To endeavour to procure information respecting " <i>Island Queen</i> " .. 148
160. Consul Brackenbury to Earl Russell	Mar. 31	Apr. 6	American brig " <i>Huntress</i> " to be employed in Slave Trade .. 149
161.	Apr. 22	Apr. 28	Respecting American barque " <i>Island Queen</i> " .. 149

SPAIN. (*Consular*)—*Havana*.

No.				Date.		Receipt.	SUBJECT.	Page
				1863	1863			
162.	Earl Russell to Acting Consul-General Crawford			Jan. 13	1862	..	Proceedings of " <i>Noc Daqui</i> "	150
163.	Acting Consul-General Crawford to Earl Russell			Dec. 10	Jan. 31		Removal of Governors of Remedios and Isle of Pinas	150
164.	"	"	..	Dec. 12	Jan. 31		Arrival of Governor-General Dulce	150
165.	"	"	..	Dec. 23	Jan. 31		Receipt of despatch of December 23, relative to destruction of a slaver by Her Majesty's ship " <i>Zebra</i> "	151
166.	"	"	..	Jan. 14	Mar. 2		Seizure of " <i>Noc Daqui</i> " by Admiral Wilkes	151
167.	"	"	..	Jan. 22	Mar. 2		Seizure of slaver by " <i>Zebra</i> "	151
168.	"	"	..	Jan. 23	Mar. 2		Proceedings of " <i>Noc Daqui</i> "	152
169.	"	"	..	Jan. 31	Mar. 2		Capture of " <i>Noc Daqui</i> ." Report of Vice-Consul at Sisal	152
170.	"	"	..	Feb. 24	Mar. 31		Expulsion of two slave-traders by new Governor-General	153
171.	"	"	..	Mar. 30	Apr. 28		Landing of slaves at Trinidad in January	154
172.	"	"	..	Apr. 18	May 29		Landing of 380 slaves at Colonna	155
173.	"	"	..	May 5	May 29		Landing and seizure of 530 slaves at Trinidad	155
174.	"	"	..	May 30	June 29		Landing of 583 slaves near Canasi	156
175.	"	"	..	July 1	July 29		Ditto. Captain-General's answer.	157
176.	"	"	..	July 6	July 29		Landing of slaves in Matanzas	158
177.	"	"	..	July 7	July 29		Dismissal of Political Governor of Havana for connivance at Slave Trade	160
178.	Mr. Layard to Acting Consul-General Crawford			July 30	..		Requests report as to condition of slaves captured by Spanish authorities	160
179.	Acting Consul-General Crawford to Earl Russell			July 16	Aug. 28		Landing of slaves at Trinidad. Inquiry.	160
180.	"	"	..	July 27	Aug. 28		Cargo of slaves expected at Manzanillo. Letter from General Dulce	161
181.	Mr. Layard to Consul-General Crawford		..	Aug. 31	..		Case of the " <i>Laura</i> ." Mr. Rothery's Report	161
182.	Consul-General Crawford to Earl Russell		..	Sept. 3	Sept. 4		" <i>Laura</i> ." Receipt of despatches	162
183.	Acting Consul-General Crawford to Earl Russell			Aug. 10	Sept. 29		General Dulce denies landing of slaves near Colonna	162
184.	"	"	..	Aug. 20	Sept. 29		Landing of slaves at Ensenada de Cochinos. Judicial inquiry	162
185.	"	"	..	Aug. 21	Sept. 29		General Dulce denies landing of slaves at Cayo Coco	163
186.	"	"	..	Aug. 28	Sept. 29		Treatment of emancipados. Slave-traders at Trinidad could not be punished for want of evidence	164

SPAIN. (*Consular*)—*St. Jago de Cuba*.

			1863	1863		
187.	Mr. Layard to Acting Consul Beattie	..	Jan. 16	..	Capture of " <i>Jane</i> "	167
188.	Acting Consul Beattie to Earl Russell	..	Mar. 31	Apr. 28	Baique " <i>Jane</i> " equipped	167

TURKEY.

			1863	1863		
189.	Mr. Erskine to Earl Russell	..	Dec. 5	Dec. 19	Alleged shipment of slaves by Turkish frigate " <i>Taiff</i> ," at Tripoli	168

TURKEY. (*Consular*)—*Alexandria*.

			1863	1863		
190.	Mr. Colquhoun to Earl Russell	..	July 1	July 16	Seizure of caravan of slaves at Cairo	168
191.	Earl Russell to Mr. Colquhoun	..	July 31	..	Egyptian Government to prevent slave hunts on Upper Nile	169
192.	Mr. Colquhoun to Earl Russell	..	Aug. 17	Aug. 28	Slave Trade on White Nile	170
193.	"	..	Sept. 2	Sept. 14	Reported outbreak on White Nile	171
194.	Earl Russell to Mr. Colquhoun	..	Oct. 31	..	Sending despatch to Consul Petherick	171

TURKEY. (Consular)—*Damascus.*

No.		Date.	Receipt.	SUBJECT.	Page
		1863	1863		
195.	Consul Rogers to Earl Russell	July 17	Aug. 6	On liberation of a negress who had been subjected to cruel treatment .	172
196.	Earl Russell to Consul Rogers	Aug. 12	..	Approving steps reported in despatch of July 17	172

TURKEY. (Consular)—*Khartoum.*

		1863			
197.	Earl Russell to Consul Petherick	Oct. 31	..	Consulate of Khartoum to be abolished after February 1, 1864. To deliver archives to Consul-General Colquhoun	172

TURKEY. (Consular)—*Monastir.*

		1862	1863		
198.	Acting Consul Calvert to Earl Russell	Dec. 20	Jan. 17	Manumission of a female slave ..	173
199.	Earl Russell to Acting Consul Calvert	1863 Jan. 24	..	Approves steps taken as reported in despatch of December 20 ..	173
200.	Acting Consul Calvert to Earl Russell	Feb. 6	Feb. 28	Two cases of runaway slaves ..	174
201.	" " " "	Mar. 3	Mar. 28	Female slave. Gratified at approval of conduct	175
202.	Consul Calvert to Earl Russell	Apr. 9	Apr. 25	Surrender of slave Khadidjé ..	175

TRIPOLI.

		1863	1863		
203.	Consul-General Herman to Earl Russell	Apr. 30	May 16	Reporting embarkation of 15 slaves	176
204.	" " " "	June 4	June 12	Master of slaver imprisoned at Tripoli by Governor-General ..	176

TUNIS.

		1863	1863		
205.	Consul-General Wood to Earl Russell	Jan. 3	Jan. 12	7 female slaves brought to Tunis for traffic	177
206.	Earl Russell to Consul-General Wood	Jan. 21	..	Satisfaction that Slave Trade is prohibited in Sultan's dominions ..	177

UNITED STATES.

		1862	1863		
207.	Lord Lyons to Earl Russell	Dec. 20	Jan. 4	Receipt of despatch of November 24	178
208.	Earl Russell to Lord Lyons	1863 Jan. 8	..	Mr. Frere has adopted necessary formalities for opening Court at Cape of Good Hope	178
209.	Lord Lyons to Earl Russell	1862 Dec. 31	Jan. 14	Has informed Mr. Seward of boarding of " <i>Elizabeth</i> "	178
210.	Earl Russell to Lord Lyons	1863 Jan. 24	..	Draft of Additional Article to United States' Treaty	179
211.	Lord Lyons to Earl Russell	Jan. 27	Feb. 13	Mr. Frere ready to open Court at Cape of Good Hope	180
212.	" " " "	Jan. 30	Feb. 13	Opening of British and United States' Court at Cape of Good Hope ..	181
213.	" " " "	Feb. 20	Mar. 6	Copy of Additional Article signed ..	181
214.	" " " "	Feb. 24	Mar. 9	Sends Additional Article	182
215.	" " " "	Mar. 2	Mar. 17	Additional Article ratified	183
216.	Earl Russell to Lord Lyons	Mar. 26	..	Reports from Naval Officers respecting boarding of American vessels. 183	
217.	" " " "	Apr. 18	..	List of cruizers authorized to act under United States' Treaty ..	183

LIST OF PAPERS.

xi

No.			Date. 1863	Receipt. 1863	SUBJECT.	Page
218.	Lord Lyons to Earl Russell	.. ..	Mar. 6	Mar. 21	Additional Article to Treaty has been ratified	184
219.	" "	.. ..	Apr. 21	May 4	Correspondence relative to boarding of United States' vessels	185
220.	" "	.. ..	Apr. 24	May 7	Mr. Pringle appointed Judge at Cape of Good Hope	186
221.	Earl Russell to Lord Lyons	.. ..	June 5	..	Transmitting Regulations for guidance of Mixed Commission Courts	186
222.	Lord Lyons to Earl Russell	.. ..	May 20	June 8	Proclamation of Additional Article to Treaty	187
223.	" "	.. ..	June 22	July 5	Regulations for Mixed Courts communicated to United States Government	188
224.	" "	.. ..	July 3	July 18	Regulations for Judges, &c., approved by United States' Government	189
225.	Earl Russell to Lord Lyons	.. ..	Aug. 1	..	" <i>Mariquita</i> ." To endeavour to find out owners	189
226.	" "	.. ..	Aug. 22	..	Messrs. Dyer and Hubbard arrived at Sierra Leone	190
227.	Lord Lyons to Earl Russell	.. ..	Aug. 14	Aug. 28	" <i>Mariquita</i> ." Has communicated capture to United States' Government	191
228.	" "	.. ..	Aug. 14	Aug. 28	Slaves once landed in Cuba cannot be reclaimed	191
229.	Mr. Stuart to Earl Russell	.. ..	Aug. 18	Sept. 5	Capture of " <i>Mariquita</i> "	192
230.	Earl Russell to Lord Lyons	.. ..	Sept. 24	..	Respecting alteration of Spanish law regarding ownership of slaves in Cuba	193
231.	Mr. Stuart to Earl Russell	.. ..	Sept. 15	Sept. 30	Messrs. Dyer and Hubbard's arrival at Sierra Leone	193
232.	" "	.. ..	Sept. 21	Oct. 3	" <i>Mariquita</i> " was under no bonds when captured	194
233.	Lord Lyons to Earl Russell	.. ..	Nov. 30	Dec. 12	More than 1,000 negroes landed in Cuba from a steamer	195
234.	" "	.. ..	Dec. 15	Dec. 26	2,400 negroes landed at Ensenada de Cochinos	196

UNITED STATES. (*Consular*)—*Boston*.

			1863	1863		
235.	Consul Lousada to Earl Russell	.. ..	June 10	June 26	Case of slaver " <i>Tahmaroo</i> "	197
236.	" "	.. ..	Nov. 14	Nov. 30	Zeno Kelly, conviction of, for fitting out slaver	198

UNITED STATES. (*Consular*)—*New York*.

			1863	1863		
237.	Consul Archibald to Earl Russell	.. ..	Nov. 16	Nov. 23	Slave barque " <i>Augusta</i> "	198

Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS.

AFRICA. (*Consular*)—*Bight of Benin.*

No. 1.

Consul Freeman to Earl Russell.—(Received January 13, 1863.)

(Extract.)

My Lord,

Lagos, November 20, 1862.

IN reply to your Lordship's despatch of the 23rd October, on the subject of the lawlessness of the Egbas, I regret to have to state that affairs have gone on from bad to worse, till such a point has now been reached that either the Egbas must reform, or Her Majesty's Government will be forced to take some active measures to bring them to reason.

A short time since a robbery was committed on the river by the Egbas, and I soon after received a letter from the Bashorun (the Alake being dead), saying he regretted the occurrence, and would try and find out the culprits and punish them, and begging me to have patience and everything should be restored.

Though aware that the robbers were well known to be certain Chiefs, I waited, according to the Bashorun's request, to see what would come out of the matter. Instead of the stolen property being restored, and the robbers punished, a fresh robbery on a larger scale was committed, nearly 2,000*l.* worth of goods being taken in one week, and the communication with Abbeokuta was stopped, as every canoe attempting to pass was taken and robbed. Several canoe-men (Lagos people) have been killed, and two Englishmen coming down to Lagos were stopped and ill-treated, and, according to their statement, would have fared worse if some dispute had not arisen among their pursuers.

Applications were immediately made to me by the Abbeokuta Commercial Association, and by private individuals who had suffered losses, to obtain restitution of their property, and some guarantee that like outrages should not occur in future.

Having no power to protect life and property at Abbeokuta and on the river, and knowing that nothing short of very strong measures would put a stop to the robberies, I determined to recall from Abbeokuta all persons claiming British protection, and I accordingly addressed letters, of which the inclosed are copies, to the Bashorun and Elders of Abbeokuta and to the Abbeokuta Commercial Association, and published also a Proclamation recalling the British subjects from Abbeokuta, and holding the Bashorun and Chiefs responsible for their lives and property.

The merchants answered to the call immediately, but the missionaries refused to pay any attention to it. Had all the white men left Abbeokuta, the Egbas would have given in immediately; but when the latter see that all my words and actions are utterly disregarded by the missionary agents, they also are apt to pay little attention to them.

The fact of slaves having a secure refuge in the Colony of Lagos has but little to do with the opposition of the Egbas. It is true that this opposition has a slight connection with the Slave Trade, and the cession of Lagos may have had some influence in exciting them on. The real cause, however, of the present distracted state of these parts is, as I have mentioned on former occasions, the desire to kidnap.

The exportation of slaves from this coast being to a certain extent checked by the efforts of Her Majesty's Government, the majority of the population have turned to commerce and agriculture for a subsistence. In every town and every village, however, there is a party of wild, lawless spirits, who prefer making a venture at slave-trading when the opportunity offers, by which, if successful, they obtain much greater profits than by any other occupation. This War party, though in numbers a small minority of the inhabitants, being formed of the most spirited and reckless men, generally has a great predominance over the other, and when it can give any colouring of patriotism to its forays it carries with it the goodwill and assistance of the peaceful portion of the population. Thus all the wars are carried on for the benefit of this small party; the majority, even if not approving, not venturing to oppose.

Inclosure 1 in No. 1.

Governor Freeman to the Bashorun and Elders of Abbeokuta.

Lagos, November 14, 1862

THE Undersigned presents his compliments to the Bashorun and Elders of Abbeokuta, and begs to acknowledge the receipt of their letter of the 14th of October, expressing their regret at the robbery committed on the canoes of merchants proceeding from Lagos to Abbeokuta, stating that they had sent to the camp to ascertain by whom the robbery was committed, and begging that he would take it patiently, as he would see that all the goods were restored.

The Undersigned has waited patiently for one month; but instead of the stolen goods having been returned, fresh robberies and outrages are being committed daily. The canoes from Lagos have been robbed to an amount already exceeding 2,000 bags of cowries.

Besides all these robberies of Lagos canoes, the canoe-men in some cases having been murdered, and in many others more or less brutally treated, two Englishmen have been assaulted on their road near the Egba village of Tepona, and robbed, one having been beaten, and both threatened and insulted.

If the Bashorun and Elders were sincere in their expressions of regret at what took place a month ago, the recurrence of the outrages proves that they now either side with the aggressors, or are too powerless to protect the lives and property of British subjects and those under British protection.

The Undersigned therefore considers it his duty to recall from Abbeokuta all persons who claim British protection, until such time as the Chiefs of Abbeokuta shall be willing and able to give good guarantee for their safety.

Ever since the cession of Lagos the various parties in Abbeokuta have been perpetually insulting and giving cause of complaint to Her Majesty's Government, apparently forgetting the obligations they are under to them, and the power of the British nation.

England is slow to anger, but such outrages as have been and are still being committed against her people will arouse her, and she will require such reparation and satisfaction for those wrongs committed as will be sufficient guarantee that such abuses shall not recur again for the future.

These crimes have been committed either by or through the influence of Solauki, Chief of Igbein, and Ogubeyi, of Igbori, and their people; the same who robbed the messengers of the Queen of England on their way to the Niger in 1859.

The course of crime of these men has done enough injury to the Egba cause and to British interests, and it is time that a check were put on their villainies.

The Undersigned therefore demands, as a first step towards reparation for the late outrages, that the said Solauki, Chief of Igbein, and Ogubeyi, of Igbori, together with the ringleaders in the robbery, and also the men of Tepona who ill-treated Messrs. Hughes and Mills, be delivered up to him for punishment.

The Undersigned further, on the part of Her Majesty's Government, holds the Bashorun and Elders of Abbeokuta responsible for all the British property hitherto stolen, or which may be stolen hereafter; and if restitution of the same be long delayed, interest

will be charged to cover the losses of the merchants. Also all persons leaving Abbeokuta on account of the present state of affairs will place such property as they cannot bring down to Lagos with them under the charge of the Bashorun and Elders, who will be held responsible for the safety of it, as it is through the lack of protection afforded by them that the British subjects are obliged to leave Abbeokuta.

(Signed)

HY. STANHOPE FREEMAN.

Inclosure 2 in No. 1.

Governor Freeman to the Honorary Secretary of the Abbeokuta Commercial Association.

Sir,

Lagos, November 14, 1862.

I HAVE received your letter of the 6th instant, by the hand of Mr. Mills, informing me of the outrages committed by the Egbas, and the robbery of British property by them; and in the name of the Abbeokuta Commercial Association requesting that I should take such steps as I may deem advisable to obtain restitution of the stolen property, and to ensure greater safety to the river traffic for the future.

I herewith inclose copy of a letter I have addressed to the Bashorun and Elders respecting the robberies, and also a Proclamation which, not having any direct agent in Abbeokuta, I have to beg that the Commercial Association will communicate to the residents in Abbeokuta who claim British protection.

I must here remark that I have for some time observed arising in the Egbas, the spirit which has resulted in so much injury to British interests, and have protested against it. But, unfortunately, instead of receiving support, I only got opposition from the British residents in Abbeokuta, and thus my influence has been undermined. Had the British residents supported my representations it is scarcely to be doubted that affairs in Abbeokuta would never have reached the present state of anarchy and of impotence in those who call themselves Rulers. If now the residents of Abbeokuta wish for the interference of Her Majesty's Government, they must simply comply with my instructions, and they may rest assured that for every man who leaves Abbeokuta there is so much gained towards a satisfactory and speedy solution of the questions now pending. Every British subject, on the contrary, who remains, not only loses his claim to British protection in case of any outrage being committed on himself or his property, but also, even though he and his effects be safe, tends to strengthen the opposition of the Egbas by his defiance of the orders of his Government.

I have, &c.

(Signed)

HY. STANHOPE FREEMAN.

Inclosure 3 in No. 1.

Proclamation.

By his Excellency Henry Stanhope Freeman, Governor, Commander-in-chief, and Vice-Admiral in and over the British Settlement of Lagos and its Dependencies, and Her Britannic Majesty's Consul for the Bight of Benin, &c.

WHEREAS certain parties of Egba belonging to and subject to the Government of Abbeokuta, have for some time past been committing robberies on Lagos canoes passing up the River Ogun to Abbeokuta, ill-treating and sometimes even murdering the canoe-men, whereby, besides the loss of life, great injury has been done to British trade, and to the interests of British subjects domiciled in Abbeokuta as well as in Lagos; and whereas the Chiefs of the said town of Abbeokuta have taken no steps to effect the restitution of the stolen goods and the punishment of the criminals;

And whereas the Local Government of Lagos has no power to afford protection, under present circumstances, to the persons and properties of the British subjects residing in Abbeokuta;

Now, therefore, as far as possible to avoid any further loss of life or injury to person, or loss of any damage to British property by means of the want of will, or inability on the part of the Chiefs of Abbeokuta to grant such protection as British subjects are entitled to: We call upon all persons residing in Abbeokuta who have any claim to British protection forthwith to leave the said town, and to repair to Lagos, within the jurisdiction and protection of Her Majesty's Government. And further we order such

persons repairing for safety to Lagos, formally and officially to place under the protection of the Chiefs of Abbeokuta any property they may possess there which they cannot bring down the river with them, for which property the Chiefs of Abbeokuta will be held responsible by Her Majesty's Government.

And we do hereby declare that any British subject who, on any pretext whatever, fails or refuses to leave Abbeokuta, will forfeit all claim for British protection, and in the event of his being molested in his person or property, the Government of Lagos will not interfere in his behalf, as he will be considered to have resigned for the time being his nationality.

By command of his Excellency the Governor,
(Signed) WALTER LEWIS, *Acting Colonial Secretary.*

Government House, Lagos, November 14, 1862.

God save the Queen.

No. 2.

Consul Freeman to Earl Russell.—(*Received January 13, 1863.*)

(Extract.)

Lagos, December 6, 1862.

I HAVE the honour to report that Commodore Wilmot arrived in the Lagos Roads in Her Majesty's steam-ship "Rattlesnake" on the 23rd ultimo, and came ashore the following day.

According to the instructions conveyed to me in your Lordship's despatch of the 23rd of October I consulted with the Commodore respecting the measures to be pursued with regard to Abbeokuta, and I have the honour to forward herewith inclosed copies of my letter to that officer and his reply.

The Commodore is now gone up on a visit to Dahomey.

Inclosure 1 in No. 2.

Consul Freeman to Commodore Wilmot.

Sir,

Lagos, November 26, 1862.

I HAVE the honour to transmit to you, herewith inclosed, copy of a despatch I have received from Earl Russell respecting Abbeokuta, whereby I am instructed to consult with you as to the measures short of actual hostilities which it may be practicable to adopt to bring the Abbeokutans to reason.

I also inclose the whole of my correspondence with the authorities of Abbeokuta since my arrival in Lagos, in order that you may see how the affairs of the former place have been gradually going on from bad to worse, till at least the very Chiefs have become highway robbers and murderers. In the last outrage on the river, more than 2,000l. worth of British property was stolen, and several Lagos people were killed.

The recall of the Europeans from Abbeokuta has produced a profound effect in that town, but I fear that before the war party will give in, stronger measures will need to be adopted.

I have, &c.
(Signed) HY. STANHOPE FREEMAN

Inclosure 2 in No. 2.

Commodore Wilmot to Consul Freeman.

Sir,

"Rattlesnake," off Lagos, November 27, 1862.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of yesterday's date, inclosing your correspondence with the Alake and Chiefs of Abbeokuta, in which you request my opinion with regard to certain matters that have transpired between your Government and that place.

After reading over most carefully all the documents connected with this unhappy dispute, I am certainly of opinion that you have acted most judiciously, and with due regard to your own high position as well as to the dignity and honour of the British Government.

Before, however, arriving at any conclusion as to the means to be adopted for bringing the Alake, Chiefs, and people of Abbeokuta to reason, I perfectly agree with the opinion expressed in Lord Russell's letter to you, dated "Foreign Office, October 23, 1862, in which he says, "I have to state to you that I think it will be advisable to refrain for the present from taking any hostile measures, such as you suggest, against the Abbeokutans. Her Majesty's Government would prefer that time should, if possible, be allowed for the present hostile feeling to subside, which has not unnaturally been engendered on the part of the Abbeokutans by finding that their slaves have a secure refuge in the neighbouring Colony of Lagos."

I cannot but agree in this wish of Her Majesty's Government, and I earnestly hope that your decided line of conduct will produce the most satisfactory results.

It is probable that the Egbas have been led astray by bad advice, and from the want of a strong Government to restrain them.

If it is possible still to convince the Egbas that the only right way of restoring friendly relations between the Government of Lagos and themselves will be by receiving an accredited agent from you, with full powers to inquire into all matters of dispute, I have every hope that the present unpleasant state of things will cease, and that the old friendship and alliance will exist again.

I have written to Mr. Townsend strongly on this point, but have claimed as a preliminary measure that they first make an ample apology for all wrongs inflicted, as well as compensation for losses to individuals.

But, above all, they are to make a most ample apology to yourself for refusing to receive you at Abbeokuta, and slighting your good intentions.

These terms will be for your consideration, to accept or not, as you shall deem most fit.

I can have but one object in view in the settlement of this unhappy dispute, which is the upholding the honour and dignity of the British Governor of Lagos, and the happiness and well-being of this distracted country.

I have, &c.

(Signed) A. P. EARDLEY WILMOT.

No. 3.

Earl Russell to Consul Freeman.

Sir,

Foreign Office, January 31, 1863.

I HAVE received your despatch of the 6th ultimo, inclosing copies of a correspondence which has passed between you and Commodore Wilmot relating to the affairs of Abbeokuta, and I have to acquaint you that I approve of that officer's views as expressed in his letter to you of the 27th of November last.

I am, &c.

(Signed) RUSSELL.

No. 4.

Earl Russell to Consul Freeman.

(Extract.)

Foreign Office, February 6, 1863.

I HAVE received your despatch of the 20th of November last, reporting the steps taken by you to procure redress from the Bashorun and Elders of Abbeokuta for certain outrages and robberies committed by the Egbas on the persons and properties of British subjects.

I approve those proceedings, and am not without hope that they may have had the desired effect; but in the contrary event it may become necessary for Her Majesty's Government to take ulterior measures to obtain redress.

Consul Freeman to Earl Russell.—(Received February 12.)

(Extract.)

Lagos, January 3, 1863.

I HAVE had the honour to receive your Lordship's instructions of the 31st October, referring me to a despatch of the 24th of March, by which your Lordship directed me to report whether any steps had been taken by the Alake and Chiefs of Abbeokuta to make good the value of the articles belonging to the Niger Expedition, which were stolen in the year 1859 whilst on their passage through the country over which the Abbeokutan Chiefs claim jurisdiction.

The Chiefs of Abbeokuta instructed the Abbeokuta Commercial Association to pay the amount still due out of the duties owing by the merchants to the Chiefs. The Secretary of the Association accordingly made some payments on account, but in consequence of the robberies on the River Ogun the merchants of Abbeokuta refused to pay up the duties, when the payments to me also ceased. Since then the Egbas have pursued such a course of robbery that it became useless for me to make any further representations.

I must again urge upon your Lordship to stop all trade with Abbeokuta until such time as the Egbas shall have made full reparation for the robberies they have committed, and have given some guarantee that similar depredations shall not be committed for the future.

I have long seen, and am still of opinion, that such a blockade is the only means, short of actual hostilities, of bringing the Egbas to reason. With Her Majesty's ships "Handy" and "Investigator" at my disposal I could easily enforce such a blockade from Porto Novo to Epé, without interfering with the trade of those places further than to stop their communication with Abbeokuta.

I beg again to point out to your Lordship that the real cause of the opposition offered by the Egbas to this Government is not that Lagos is a refuge for runaway slaves. In the course of a year not a dozen slaves from Abbeokuta have claimed protection here, and the Egbas and their supporters are perfectly aware that only the bad characters among them, or those who are ill-treated, do run away.

The real cause is that the Egba war-party see that they cannot be on friendly terms with Lagos, and continue their kidnapping and slaving expeditions, which, in principle, are the same as those of Dahomey. The bush now covers where stood thirty-two flourishing towns and villages which have been destroyed by the Egbas in the last twenty years, but the fanatic advocates of Egba civilization never allow the cry from the inhabitants of those towns who have been sold into slavery to reach the ears of the English public.

But a few days ago I received messengers from the town of Otta, which belonged to Lagos in Kosoko's time, but has been half ruined by Abbeokuta. I reproached them with joining the Egbas in their wars, and their answer was, "The Egbas rob and murder and sell us, and we would apply to you for protection; but we see that Lagos people are also robbed and murdered without your doing anything, and we therefore thought it better to do as the Egbas tell us." To this I could only reply that England was patient, but would exact reparation eventually.

The legitimate influence of Lagos is to put an end to slavery; and we must not, therefore, fight against that influence appearing as such, but rather use it impartially against all those who are determined to carry on the Slave Trade in these parts.

No. 6.

Earl Russell to Consul Freeman.

(Extract.)

Foreign Office, February 21, 1863.

I HAVE received your despatch of the 3rd ultimo, reporting that the Chiefs of Abbeokuta have failed to make good the value of the articles belonging to the Niger Expedition, which were stolen in the year 1859 whilst on their passage through the country under their jurisdiction, and you again urge, as the only means of bringing the Chiefs to reason, the entire stoppage of all trade between Abbeokuta and the sea until reparation is made for the robberies and outrages committed by the Egbas on the persons and property of British subjects.

In the event of Commodore Wilmot concurring with you in opinion that a blockade

of the entrance of the river leading to Abbeokuta will be sufficient to procure reparation for the wrongs done to British subjects, you are authorized to take the necessary steps for carrying this blockade into effect.

No. 7.

Consul Freeman to Earl Russell.—(Received April 13.)

My Lord,

Lagos, March 2, 1863.

I HAVE the honour to report to your Lordship that the Egbas, far from making any sort of amends for their previous conduct, have continued in so determined a manner to oppose this Colony that the legitimate traders dare no longer send goods up the river, while certain persons were granted protection by the Chiefs, and thus kept the little trade that was going on to themselves, and furnished the Egbas with everything they required.

To put a stop to this state of affairs, I have closed all trade with Abbeokuta from Porto Novo to Epé, and have blockaded the entrances to all the creeks, and stopping the markets.

I have reason to hope that this measure will bring the Egbas to reason, for I have received a civil letter from the Bashorun stating that he was too busy, preparing for the defence of the town against the Dahomians, to do anything in the matter, but that so soon as the danger was over he would give his attention to it.

I have, &c.

(Signed) HY. STANHOPE FREEMAN.

No. 8.

Consul Freeman to Earl Russell.—(Received May 16.)

My Lord,

Lagos, April 6, 1863.

HEREWITH I have the honour to transmit to your Lordship copy of a despatch I have addressed to Her Majesty's Principal Secretary of State for the Colonies respecting the affairs of Abbeokuta, by which your Lordship will see that in consequence of the Egbas having promised to indemnify the owners of the property stolen on the River Ogun, I have removed the blockade which I had established some two months ago.

I have, &c.

(Signed) HY. STANHOPE FREEMAN.

Inclosure 1 in No. 8.

Governor Freeman to the Duke of Newcastle.

(Extract.)

Lagos, May 6, 1863.

I HAVE the honour to inform your Grace that I deemed it advisable before leaving Lagos to make a final attempt to induce the Egbas to come to terms with this Government, and I therefore addressed a letter to the Bashorun and Elders of Abbeokuta, informing them of my intended departure, and suggesting that they should send an envoy to Lagos with authority to settle all pending questions.

In their reply, though they said the time was too short to send an envoy, yet they declared themselves willing to pay for all the property of British subjects which was stolen on the river if I would send up to them a list of the amount and owners of it.

I accordingly addressed them another letter inclosing affidavits sworn to by the different persons at Lagos who had been robbed, and stating at the same time that as I was willing to believe that they were earnest in their promise to pay the damages demanded, I had removed the blockade on the Abbeokuta trade, which was done by proclamation on the 6th April.

Inclosure 2 in No. 8.

*Governor Freeman to the Bashorun and Elders of Abbeokuta.**Lagos, March 20, 1863.*

THE Undersigned presents his compliments to the Bashorun and Elders of Abbeokuta, and begs to inform them that he purposes proceeding to England by the next homeward-bound mail to recruit his health.

It would be very gratifying to the Undersigned, as well as to Her Majesty's Government, if he could be the bearer of intelligence of the settlement of all questions pending between Abbeokuta and England.

The Undersigned, therefore, hopes that the Bashorun and Elders of Abbeokuta will show their desire for peace and friendly relations with the British Government by sending down to him some Chief with full power to come to a settlement of affairs. If the people of Abbeokuta desire peace, they must send at once, or the Undersigned will have left Lagos on a visit to England, and much time will be consequently lost in communicating.

The Undersigned hears that the Dahomians are encamped before Abbeokuta, but that the Egbas are fully powerful enough to protect themselves. They could, therefore, send a Chief down on such an important mission as to make peace with England.

The Undersigned wishes health and prosperity to the Bashorun, Elders, and people of Abbeokuta.

(Signed) HY. STANHOPE FREEMAN.

Inclosure 3 in No. 8.

The Rev. H. Townsend to Governor Freeman.

Sir,

Abbeokuta, March 28, 1863.

I AM requested by the Bashorun and Elders to acknowledge your letter of the 20th instant.

They desire me to inform you that the Dahomian army encamped around the Ibara wood in sight of Abbeokuta sixteen days, but being made acquainted with the preparation made to receive them here were afraid to attack, and left without making any attempt upon Abbeokuta.

They desire me to state that they are not able to send messenger to Lagos. That they did by letter promise to make compensation for the robberies on the river before you put the blockade on them; they wish me now to ask you for information as to the amount robbed by their people that they may make preparations to fulfil their promise.

They hope to be able to prove that they have not, and never had, any intention to act towards the English Government but with the best feelings and intentions.

With best wishes for your health and happiness, I remain, &c.

(Signed) H. TOWNSEND.

No. 9.

Consul Freeman to Earl Russell.—(Received May 18.)

(Extract.)

Lagos, March 20, 1863.

I HAVE the honour to inform your Lordship that a short time since I received an application, of which Inclosure No. 1 is a copy, from Wm. McCoskry, Esq., to the effect that I should rent the hulk belonging to this Colony to enable him to make an expedition up the Niger. I also inclose a copy of a letter addressed to me by the Rev. Samuel Crowther, pointing out to me the necessity of communicating this year with our stations on the above-named river.

Urged by the arguments brought forward by these gentlemen, and influenced by a report, which appeared well-founded, that Her Majesty's Government has not decided on sending a vessel up the river this year, I deemed it advisable to accede to Mr. McCoskry's proposition. I therefore strongly urge that Her Majesty's Government should take advantage of Mr. McCoskry's expedition to communicate with Dr. Baikie, and, if possible, to make Treaties with some of the Native Chiefs.

Mr. McCoskry talks of leaving for the Niger in the first week of July; any despatches, therefore, or other things for the establishment at Lukoja should be dispatched by the mail leaving England on the 24th May, that they may reach Lagos in time.

Inclosure 1 in No. 9.

Mr. Mc Coskry to Consul Freeman.

Sir,

Lagos, March 11, 1863.

FROM several considerations, I have come to the conclusion to make a commercial speculation up the Niger as far as the Confluence, if I can obtain a vessel to take in tow for the reception of cargo, the tug "Advance" being unable to carry.

No vessel would suit my purpose better than the hulk belonging to the Colony, and if your Excellency would let me have the use of her on reasonable terms, I conceive she could not be put to a better use.

Apart from my special interest, I think it is important to keep up a communication with the population of territories so abounding in valuable natural productions, and as no Government expedition is expected to ascend the river this year, I could enable many who are now here to get to their homes, and give an opportunity to the friends of those already there to send them supplies, of which I am informed they are much in want.

The Rev. S. Crowther, upon whose representations chiefly I have formed my plan, wishes himself to visit various stations on the Niger, and I have requested him to lay before your Excellency his various reasons for the expedition.

With me it will be a commercial speculation, for which I must take what measures I can to insure success; and without a vessel to receive cargo it cannot succeed. There is no vessel to be got here so suitable as the hulk referred to. I hope, therefore, for your favourable consideration of my application.

I am, &c.

(Signed) W. Mc COSKRY.

Inclosure 2 in No. 9.

The Rev. S. Crowther to Consul Freeman.

(Extract.)

Lagos, March 2, 1863.

MANY circumstances have conspired which hindered me from writing to you on a subject of very great importance respecting the River Niger, from which place I have but lately returned, to solicit your kind influence and attention to its continued regular yearly visit, as I know you are very much interested in the opening of increased commerce to European markets, as well as in the civilization and evangelization of the teeming population on the banks of that noble river and its tributary the Tshadda.

The advantages of these rivers have been so often reported by competent persons that it is needless to repeat them here. There are many persons now here at Lagos who came from Sierra Leone last year, with a view to return and settle in their own country, and many others in Sierra Leone ready to follow, but were sadly disappointed that they could get no passage on board Her Majesty's steam-ship "Investigator," being so small, and she went alone.

There were another large party of Christian teachers, connected with the Church Missionary Society, waiting at the mouth of the Nun, with their packages and those for the Mission, and the cotton-press and gins for the Mission stations at Onitsha and the Confluence, to encourage the cultivation of that most useful staple, but most of these were with great regret left behind at the Nun for want of room in the "Investigator."

From these considerations, a yearly visit of a gun-boat, with an assistance or facility given to an owner of a steam-tug with a cargo-vessel in tow, will not fail to open the Niger to extensive commerce, which will be greatly encouraged by such regular yearly visits. The natives know no other European nation in that river but the English, who have explored it, prepared the people to call forth the vast resources of the country, and who ought also to reap them, as they are now ready to be bought of the people.

I hope your Excellency will excuse the liberty I have taken in thus freely expressing myself, when you know that I have been, since the last two-and-twenty years, in connection with the exploration of the Niger, and with the attempts of the Church Missionary Society in the civilization and evangelization of the natives on its banks, which it is hoped will ultimately result in the abolition of the Slave Trade on that great natural highway to the sea.

No. 10.

Earl Russell to Acting Consul Glover.

Sir,

Foreign Office, May 23, 1863.

I HAVE received a despatch and its inclosures from Mr. Freeman, of which I annex copies,* reporting the circumstances under which he has agreed to lease to Mr. McCoskry for a few months the hulk belonging to the Colony, in order to enable him to make an expedition up the Niger.

I have to acquaint you that I approve this arrangement, and that Her Majesty's Government have determined to avail themselves of the terms of the contract with Mr. McCoskry to forward supplies by this opportunity to Dr. Baikie.

I accordingly authorize you to purchase and to entrust to Mr. McCoskry's care goods to the value of not exceeding 300*l*. Your experience and knowledge of the country will enable you to make a proper selection of supplies for Dr. Baikie, and you will make such arrangements as you may deem necessary for ensuring their safe arrival at their destination.

It is of great importance that Her Majesty's Government should receive advices from Dr. Baikie by the opportunity that will be afforded on the present occasion of communicating with him, and if you should think it necessary to do so you will send a messenger of your own for this purpose.

When Her Majesty's ship "Investigator" ascended the Niger last year you are aware that Dr. Baikie was absent on an expedition into the interior of the country, and that therefore no advices were received from him. It is not impossible that he may, from unforeseen causes, still be detained in the interior of Africa, and in this case it would be important to know when and where Dr. Baikie was last heard of. King Masaba is the only Chief who would be likely to furnish this information, and it would, therefore, be advisable to make arrangements, if possible, for communicating with that Chief. I must leave, however, the decision in this case to your discretion and judgment.

I am, &c.

(Signed) RUSSELL.

No. 11.

Acting Consul McCoskry to Earl Russell.—(Received June 10.)

My Lord,

Lagos, May 9, 1863.

I HAVE the honour to transmit to your Lordship abstract of the case of a vessel adjudicated in the Vice-Admiralty Court of this Colony on the 7th ultimo, for being engaged in the Slave Trade.

This vessel, a schooner, on being chased by the whaler of Her Majesty's gun-boat "Mullet," was run on shore and abandoned by her crew at Point Padron.

In consequence of the violence of the surf preventing the approach of the whaler, Lieutenant Brooke beached her, and waded in the water, thereby saving the lives of many slaves, who were unfortunately afterwards consigned to slavery, as that officer could not convey them to his vessel. She was found to be fully equipped for the Slave Trade, and without any papers or colours to show her name or nationality.

A portion of the bulwark, the only thing saved from the wreck, was condemned, and the schooner pronounced to have been liable to forfeiture at the time of seizure.

I have, &c.

(Signed) W. McCOSKRY.

Inclosure 1 in No. 11.

In the Vice-Admiralty Court of Lagos.

In the case of a schooner, name and nation unknown, master unknown, without papers or colours.

CHASED on the 9th August, 1862, near Point Padron, off the River Congo, West Coast of Africa, by the whaler of Her Majesty's gun-boat "Mullet," Courtland Herbert

* No. 19 and Inclosures.

Simpson, Esquire, Commander, where she was run on shore and deserted by her crew, and afterwards totally destroyed by the surf.

Lieutenant Brooke and four kroomen, in consequence of the violence of the surf, could not board, but ran the whaler ashore, for the purpose of saving the slaves on board, and obtaining a portion of the vessel.

A portion of the bulwark was brought to Lagos for adjudication in Her Majesty's gun-boat "Mullet."

Adjudicated on the 7th April, 1863. Vessel pronounced to have been liable to forfeiture at the time of seizure.

The portion of the bulwark condemned, and ordered to be sold.

Burden not calculated.

Measurement:—Length, 60 or 70 feet; breadth, 14 or 15 feet; depth, 9 or 10 feet, as near as Lieutenant Brooke was able to judge.

(Signed)

WALTER LEWIS, *Registrar.*

Inclosure 2 in No. 11.

In the Vice-Admiralty Court of Lagos.

In the case of a schooner, name and nation unknown, captured by Courtland Herbert Simpson, Esquire, Commander of Her Majesty's gun-boat "Mullet."

AT a Court held at Lagos, West Coast of Africa, on the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-three, before the Worshipful William McCoskry, Esquire, Acting Judge and Commissary of the Vice-Admiralty Court of Lagos, lawfully constituted and appointed.

Our Sovereign Lady the Queen against a certain schooner or vessel, name and nation unknown, her tackle, apparel, and furniture, and the cargo laden therein, taken and seized by Courtland Herbert Simpson, Esquire, Commander of Her Majesty's gun-boat "Mullet."

In pain of parties cited not appearing, Mayne referred to the monition heretofore brought in duly executed, and also to the affidavits of Thomas A. Brooke, Lieutenant of and belonging to Her Majesty's gun-boat "Mullet," heretofore exhibited and remaining in the registry of this Court.

The Acting Judge at his petition having heard the said affidavit read on his monition as counsel on behalf of Her Majesty, by interlocutory Decree pronounced the said schooner or vessel, name and nation unknown, her tackle, apparel, and furniture, to have been at the time of seizure thereof equipped for and engaged in the Slave Trade, and employed in the illegal transport of negroes or others, for the purpose of consigning them to slavery contrary to the provisions of the statute or statutes in such case made and provided, and as such or otherwise subject and liable to forfeiture and condemnation to Our Sovereign Lady the Queen, her heirs and successors, and condemned a portion of the bulwark belonging to the said schooner or vessel, and brought to Lagos accordingly.

And further pronounced that the same should be publicly sold, as in and by law in such case made and provided.

(Signed)

WALTER LEWIS, *Registrar.*

No. 12.

Consul Freeman to Earl Russell.—(Received June 20.)

(Extract.)

Lagos, April 10, 1863.

WITH reference to my report of the 8th of September last, relating to the complaint of Mr. Henry, of the Benin River, that an outrage had been committed on his factory by the natives, I have the honour now to inform your Lordship that I have just returned from a visit to that river, having settled all the questions there pending between the natives and British merchants.

Mr. Henry has never reported to me the amount of property which he states to have been stolen from his factory, and for which he now demands compensation; but in his letter to Her Majesty's Consul at Fernando Po, demanding support from that officer, he declares that property to the amount of 8,000*l.* has been taken from his stores.

As this is perfectly at variance with the result of my investigations, and further, as Mr. Henry has made several statements a confirmation of which I have not been able to obtain on the spot, I think it necessary to enter into all the details of this unfortunate affair.

In the spring of the year 1861, Mr. Henry, by one of those acts of prepotency to which the West Coast traders frequently resort to obtain a settlement of their claims, seized fourteen puncheons of oil belonging to a Chief of the name of Akebua, having first pretended he would pay him a good price for it. Of the fourteen puncheons two were said to have been seized by Mr. Henry as a debt of Akebua, six as a debt of Akebua's brother, and six due by a man who had been dead some years.

Akebua after this came several times to demand payment for the oil, and Mr. Henry at last seized him and put him in confinement; and, according to the general report in the river,—which is, however, denied by Mr. Henry,—kept him chained by the neck.

Soon after this occurred, and after Akebua had been released, Mr. Henry went to England, and on his voyage out again in the year 1862, addressed me a letter from the Lagos Roads under date the 23rd of April, a copy of which is inclosed.

At this date I knew nothing of Mr. Henry, save by public report, and I was unaware of the occurrences mentioned above; but I immediately perceived that all could not be fair by Mr. Henry anticipating an outrage, which the last paragraph in his letter manifestly shows.

Having, in reply, informed Mr. Henry that he should refer to me in the event of his requiring protection, I soon received another letter from him dated the 27th of May, informing me that an outrage had been committed on his factory during his absence at the bar, and demanding my assistance.

Not deeming it advisable to send to the Benin Her Majesty's ship "Investigator," I made a requisition to the Senior Officer of the Bights Division to have a gun-boat despatched to that river with instructions to the Commanding Officer to investigate the matter. Commander Beamish accordingly despatched Her Majesty's ship "Bloodhound," Lieutenant-Commander Stokes, to inquire into the affairs at Benin, instructing him to report to me. Lieutenant Stokes, however, appears to have obtained no further information than what I had already received, as will be seen by his correspondence, which I inclose.

A few days later I received another letter from Mr. Henry, a copy of which I also submit herewith, together with a copy of my reply.

Mr. Henry soon after came to Lagos on his way to England; and I informed him that as I had made another application to Captain Luce, C.B., to send a vessel to the Benin, I could take no further steps until I heard from Her Majesty's Government, or until such time as I might be able to visit the Benin River in person. He had already applied for assistance to Captain Burton, who made a requisition on Commander Stokes, of the "Bloodhound," to take him to Benin. Captain Burton saw none of the Chiefs of the river, and no investigation was made beyond, I believe, taking the deposition of one of Mr. Henry's own people. He then made a trip to the town of Benin with Commander Stokes, leaving the "Bloodhound" anchored off the factories, and subsequently left, having done nothing during a stay of three weeks in the river.

Being about to leave for England on account of my health, after settling everything here previous to my departure, I determined to visit the Benin to terminate the pending questions in that river.

I started in Her Majesty's ship "Investigator" on the 28th of March, and after passing a day at Palma on the way, reached the Benin River on the 30th. The agents of the firms possessing factories in the river immediately came off to me. I stated to them that I had come on purpose to settle the old-standing disputes on the river, and especially to investigate the circumstances connected with the attack on Mr. Henry's factory; and in order to arrive at the truth I was desirous to have a meeting of all the white people and Native Chiefs in the river.

The merchants doubted whether any of the Chiefs would come to see me, for they had refused to hold any communication with Captain Burton on the occasion of his visit to the Benin. On the following day, however, in consequence of a message I sent them, Jerry of Jacqua, styled Governor of the river, Jerbuffon, his brother, and Dola, an old female relative of the Kings of Wari who possesses great influence, came on board Her Majesty's ship "Investigator" to see me.

The English merchants being present, I examined them as well as the Chiefs, and also Mr. Henry's agent, and the krooboy and coopers belonging to his factory, and the result of the inquiry furnished me with the details of the circumstances which preceded, and evidently caused, the outrage as stated above, and further supplied me with the full

particulars-respecting events subsequent to Mr. Henry's departure for England in 1861, and which are as follows:—

Nothing particular occurred until Mr. Henry was on his way back to the coast, but on the night of the 22nd of April, the very day before he addressed me his first letter, and of course unknown to him, four of the before-mentioned Chief Akebua's men attempted to steal a new canoe from his factory at Benin; the krooboys gave chase and brought back the canoe and one of the thieves, the other three having succeeded in escaping. The prisoner wounded several krooboys with his knife before he could be disarmed; he was taken to Mr. Henry's factory, and was given over to a friend of Akebua's the next day in a dying state. He only lived for a few hours after, and the natives pretend that he had a red-hot ramrod run into his head by Mr. Henry's krooboys. There was no evidence to prove this, but there can be no doubt he had been brutally ill-treated; for the krooboys not being armed when they seized him, he could not have been so seriously injured in the affray as to die from the effects of it.

Akebua then went to Mr. Henry's factory and demanded compensation for the loss of this man, and on being refused, left with the threat that when he came again he would obtain payment by force. Upon this Mr. Henry's agent applied to Jerry, Governor of the river, for protection, who sent an armed party to the factory; but Mr. Henry himself arriving a day or two after, sent away this guard, saying he could protect his own premises, thus taking the responsibility on himself.

Exactly one month after this, when Mr. Henry was absent from his factory on board the mail-steamer, the outrage of which he complains was committed.

After obtaining the above information I dismissed the Chiefs, telling them that on the 2nd of April I should return to Lagos, and before leaving should go ashore to Messrs. Horsfall's factory; that I should expect all the Chiefs, Akebua included, to be there, and that I should then make some settlement of the affair.

I was told that Akebua would not come, as he dare not trust himself in my hands. I however insisted on it, and a special messenger was sent to bring him, with an assurance from me that he should have a safe-conduct; that I deemed it necessary to have him present at the meeting, but that he should be allowed to go away again; and that if he deserved punishment I should take ulterior measures to capture him.

I then addressed a letter, copy of which I beg to inclose, to the agents of the different firms in the river, requesting information as to the outrage in writing, and an estimate of what they consider was the probable value of the goods taken from Mr. Henry's factory.

Their replies I also transmit herewith.

On the day fixed, the 2nd April, I landed at Messrs. Horsfall's factory, accompanied by Commander Lefroy and Captain Mulliner. The Chiefs had already arrived, and even the culprit, Akebua, trusting to my promise had made his appearance.

The result of this second investigation was merely to confirm the previous one; for the testimony of Akebua and his people was in the main to the same effect as that of the other persons examined, merely varying as to the amount of goods taken by him, and the provocation he had received, he of course endeavouring to make the best of his case.

Notwithstanding the circumstances which led to the attack on Mr. Henry's factory, in which I consider him so much to blame as almost to have deprived himself of any right to claim compensation, still such an outrage could not be allowed to pass unnoticed or unpunished by Her Majesty's Government; and I therefore held the Chiefs responsible for the property stolen, and declared my intention of punishing Akebua. I accordingly submitted to the assembled Chiefs an agreement which I had prepared, by which they were to bind themselves to pay the amount of thirty-five puncheons of palm-oil, a part as compensation to Mr. Henry for the losses he had sustained, and a part to Messrs. Harrison in restitution for 120 kegs of powder stolen recently from their factory,

This agreement, a copy of which is annexed, binds Jerry of Jaqua and the other Chiefs to pay the above-mentioned thirty-five puncheons of palm-oil, to deliver up Akebua to Her Majesty's Government within six months, and further to make such arrangements as will ensure better protection to British life and property for the future. On the other hand the compact guarantees to the Chiefs, after their fulfilment of the foregoing conditions, a fixed comey or duty on the trade of about 1 per cent., in order to enable them to maintain their authority.

At all the other rivers this comey is paid by the merchants, and the same was formerly the case at the Benin; but some years ago, in consequence of some robberies having been committed, for which the merchants could obtain no redress, the latter refused to pay it any longer. This alone is sufficient to account for many of the

irregularities and abuses of such frequent occurrence in the Benin; for it cannot be expected that Chiefs, who are such merely in name, and have not the means of supporting their authority, should be held responsible for acts which they have not the power to prevent.

After some discussion the Chiefs signed this document, which is witnessed by the merchants who were present.

I experienced much difficulty in obtaining their consent to Article 2, by which they engaged to deliver up Akebua within six months, but I insisted most strongly upon the fulfilment of this Article, and in this I was entirely successful, for Akebua, as I had anticipated, offered to pay any sum I might name, independently of the thirty-five puncheons to be paid by the Chiefs, to atone for his crime. I at last consented to receive twenty puncheons of palm oil, which is to be paid up before he is allowed to trade in the river. This was my only means of punishing and making an example of him.

With regard to Mrs. Henry, whom Mr. Henry chooses to consider murdered by the natives, because she died of fever soon after the outrage, I need only mention two or three points to show your Lordship that her death cannot be taken into consideration.

From the evidence of all the witnesses examined, neither Akebua nor any of his people attempted to lay hands on Mrs. Henry, and no insult was offered to her beyond Akebua threatening that if she made any opposition to his robbery he would throw her into the river. Had Akebua wished to prevent her she could not possibly have left the house and run to Messrs. Harrison's factory. Mrs. Henry had an attack of fever two or three days after the outrage, and recovered from it. She subsequently had another attack, which ended fatally, on the 11th June, eighteen days after the robbery at the factory. About the same time, or soon after, four or five more Englishmen (the total number of residents not exceeding eight) died, the river being very unhealthy.

I have omitted to mention that it appears from the evidence I obtained, that Akebua went to Mr. Henry's factory with only one large canoe and one small one, the former not being capable of holding more than forty men, and the latter four. These canoes were seen passing by the people at Messrs. Harrison's factory after the robbery, and Akebua was dancing on the stolen goods in the large canoe, which, considering its size and the number of men in it, could not have held more than from 200*l.* to 400*l.* worth of goods, according to their quality. It appears also that at a meeting of the Chiefs to try and settle the affair Akebua offered to give back 70 out of the 100 cases of gin he had taken, and pay for the rest in palm oil; but Mr. Henry refused to have back anything, and demanded an indemnity of 60 puncheons of palm oil, equal to about 800*l.*, to terminate the question, and this was after his wife's death. It is strange, therefore, that he should subsequently state to Captain Burton that 8,000*l.* worth of his property had been stolen, which would be a full cargo of a good-sized ship.

If your Lordship is pleased to approve of the arrangement I have made, I would venture to request that instructions should be sent to the Acting Governor of Lagos and the Commodore to take measures for paying periodical visits, say every three months, to the Benin to see that the conditions of the Treaty are strictly fulfilled, otherwise serious complications will eventually arise. But I have no doubt, if the Treaty is kept by both parties, an end will be put to the Benin disturbances.

Inclosure 1 in No. 12.

Mr. Henry to Consul Freeman.

Sir,

"Armenian," Lagos, April 23, 1862.

I AM now on my passage to the Benin River, where I have property to the value of some 15,000*l.* in the hands of the different Chiefs and others in that river, and am under the impression that there will be both difficulty and danger in the effort to collect the same or any portion of the amount. I am induced to entertain this idea from the fact that heretofore no protection has been shown to European merchants there since the time of the late lamented Consul Beecroft's offices. It is true some ships of war have some three or four times visited that quarter, each time leaving without any decisive measures having been taken. Even last year murder and piracy have been committed with impunity; thus, as I am now determined to use my utmost endeavours to collect this said property (acting as justly and considerately as I can), I wish to know, in case of any unforeseen accident, or I should say outrage, to whom I am to apply for redress. Benin was in the jurisdiction of Lagos under the Consulate, but now I am ignorant if it is a dependency of Lagos.

I shall feel honoured if your Excellency will make your views known to me on this subject.

I have, &c.
(Signed) R. C. HENRY.

Inclosure 2 in No. 12.

Mr. Henry to Consul Freeman.

Sir,

Lemnos, Benin River, May 27, 1862.

I HAVE the honour to acknowledge the receipt of your advices dated 22nd instant, and have to regret to be so soon obliged to seek protection from you.

From the following facts I should hope you will find it necessary to give me assistance with as little delay as possible.

On the 24th instant, and during my absence at the mail-steamer, my factory was plundered to a large amount. Mrs. Henry's life was threatened, and most gross insults offered to her; to save herself from being murdered or otherwise worse used, she had to run away through the bush; through this exposure, together with the shock her nervous system has received, she is now confined to her bed, and I fear incipient fever. The party who committed this outrage holds an independent position in the country; this is his second attack on my premises within the month; he has threatened to renew the act; I am obliged to keep an armed watch night and day. Should this matter be allowed to rest, there will be no such thing as safety for life or property here.

I trust you will, in person, honour us with a visit, as I much think both stringent and coercive measures will be required.

I have, &c.
(Signed) RICHARD C. HENRY.

Inclosure 3 in No. 12.

Lieutenant-Commander Stokes to Consul Freeman.

Sir,

"Bloodhound," Lagos, June 21, 1862.

IN compliance with orders received from Commander Beamish, I beg to forward a copy of my letter to him relative to the late outrage committed in the River Benin.

I shall remain at this anchorage till the 23rd instant.

I have, &c.
(Signed) JOHN ED. STOKES.

Inclosure 4 in No. 12.

Lieutenant-Commander Stokes to Commander Beamish.

Sir,

"Bloodhound," Lagos, June 21, 1862.

IN obedience to your orders, received on the 10th instant, to proceed to the Benin to inquire into the particulars of the late outrage committed on Mr. Henry's factory, I have the honour to report that I arrived off the Benin on the 14th instant.

The following day I forwarded a letter to Mr. Snape, the principal merchant in the river, requesting him or any of the merchants to repair on board, as I wished to see them on business concerning Mr. Henry's affair.

The same afternoon I received a despatch that was signed by all the merchants, a copy of which I inclose.

Probably the next day I should have gone in to inquire into the matter, but owing to the bar being impassable I was unable to perform this duty.

In answer to my first letter, requesting the merchants to come over the bar, their answer was, it was impossible for them to leave their factories, as they risk their property by so doing. I consider that one merchant could look after the factories for the space of eight hours or so, if they wished to have an interview with me.

In answer to their second letter, I informed them I was merely sent down to inquire into the particulars of the attack on Mr. Henry's factory, but I would not fail to lay all their letters before his Excellency the Governor of Lagos, and I thought his Excellency

the Governor would honour them with a visit on my return, when I laid their case before him.

I could not gain any information of the amount of property Mr. Henry lost, or anything concerning the outrage.

I consider it would be highly advantageous for a man-of-war of light draft to visit the river, as the natives are rather hostile towards the traders.

At present I consider there is not sufficient water for the "Bloodhound" to cross the Benin bar.

I remained off the Benin till the morning of the 20th to gain information, but received none.

I have, &c.

(Signed) JOHN ED. STOKES.

Inclosure 5 in No. 12.

Messrs. Henry, Snape, &c., to the Senior Officer of the Bights Division.

Sir,

Benin River, June 16, 1862.

ON the 27th May a communication was forwarded by R. C. Henry, Esq., to his Excellency the Governor of Lagos, informing him that on the 24th May last an attack was made on Mr. Henry's establishment by a number of armed men, the place plundered of very valuable property, and Mrs. Henry's life threatened, and she was most violently assaulted and driven out of the house to seek protection at another establishment; the result of this most violent outrage brought on an attack of fever, and has since ended in fatal consequences to Mrs. Henry; and owing to fright and ill usage another European is at present insane.

Having informed the said Governor of the above circumstances, and soliciting his interference in vain (the boat having waited six days and then being dismissed without any written or verbal reply), we, the Undersigned, are enforced, for our own safety and the protection of the property placed in our charge, to make this present application to you for assistance and protection, to which we, as British subjects, are entitled, and also to request that justice will be done on the perpetrators of this most murderous and felonious attack on the lives and properties of British subjects.

We remain, &c.

(Signed) RICHARD C. HENRY.
JAMES SNAPE.
JOHN A. WHITE.
G. H. ROTHERY.

Inclosure 6 in No. 12.

Messrs. White, Rothery, and Henry to Lieutenant-Commander Stokes.

Sir,

Benin River, June 17, 1862.

WE are in receipt of your letter dated 16th instant, and as you are fully aware of all the particulars of the late outrage committed on the property of a British resident here, we of course leave the affair in your hands. We are quite unable to do anything ourselves, and are of the opinion that you are the proper party to apply to. In the letter you received yesterday, you had the unanimous opinion of all the agents or parties trading in the river, and it is impossible that any of the said parties can leave their establishments to meet you outside the bar, as we risk our property by so doing.

We sign this as Mr. Snape is unable to do so through sickness, and beg to remain, &c

(Signed) JOHN A. WHITE.
G. H. ROTHERY.
R. C. HENRY.

P.S.—The descendants of the late King are now in the river, awaiting the settlement of this affair.

Inclosure 7 in No. 12.

Mr. Henry to Consul Freeman.

Sir,

Lemnos, Benin River, July 4, 1862.

I BEG to inform you, in addition to my former advices, that this river is at present in a most unsettled state, and requires protection for European property, to say nothing of life. I now wish to know if you intend to see that property is protected or not. As to life, it seems of little consequence with you.

Statements have been made to you last month which any British subject should have expected would have been attended to, but I must say I am sorry to see they were not of sufficient weight with you. My wife now dead, one European nearly murdered, my property plundered to a large amount, and of course all my mercantile affairs interrupted, and I have no redress. If you are a married man, think, Sir, what your feelings would be if your wife lost her life through the hostility of a gang of savages, and you had no redress; would you bear with it? No, Nature would forbid such apathy. Every man, Sir, has his duty to perform; if he does so, he must feel satisfied with himself, let what may occur; but he that neglects it, in after-life must feel its consequences.

Messrs. C. Horsfall's establishment is left without any one to protect it since Mr. Snape's death on the 21st ultimo, and would have been plundered to the amount of many thousand pounds ere this had not Captain White, Messrs. Stewart and Douglass' agent, and the writer, exerted ourselves for its protection.

I have now, Sir, only to remark that if you think well to attend to the affairs of this river, it will be much to the advantage of British subjects.

As I am anxious that no man should think me otherwise than candid, I must inform you that this communication will be made public.

I have, &c.

(Signed) R. C. HENRY.

Inclosure 8 in No. 12.

Consul Freeman to Mr. Henry.

Sir,

Lagos, July 28, 1862.

I HAVE to acknowledge the receipt of two of your letters of the 27th of May and the 4th of July.

The insolent tone of the latter would demand from me the severest censure did I not feel that some excuse may be made for your state of mind after what has occurred. This excusable excitement may have also made you forget (when you accuse me of not caring for British life and property, and say I have been applied to by you in vain) that I sent Her Majesty's ship "Bloodhound" on purpose to inquire into your case. The merchants at Benin, however, did not appear anxious to give Lieutenant-Commander Stokes any further information than what I had received already.

With regard to your expression that "all men have their duty to perform," I entirely agree with you, and would further add that I have perfect confidence that the majority, at least, of Her Majesty's officers are guided in their actions by a sense of that duty, and not by threats of abusive letters against them being published in the public journals. Such proceedings can never force attention to your affairs from me.

In conclusion, I have merely again to assure you that I quite pardon the tone of your last letter, which may be excused, though not justified, by the very natural state of excitement your sudden bereavement must have caused.

I am, &c.

(Signed) HY. STANHOPE FREEMAN.

Inclosure 9 in No. 12.

Consul Freeman to the Merchants in the Benin River.

Sir,

"Investigator," Benin River, March 30, 1863.

I AM desirous, before leaving this river, to obtain every possible information respecting the robbery at Mr. Henry's factory, and more especially with regard to the value of the goods stolen.

CLASS B.

D

Mr. Henry having left Mr. Brown in charge of his factory without informing him of the value of the stolen property, the latter gentleman can only roughly estimate the loss; and as his estimate differs materially from that made by Mr. Henry, I find it difficult to form any opinion on the matter.

I therefore have to request that you will give me your opinion, based either upon any certain knowledge you may possess, or else on probability and current report, as to the amount of property for which Mr. Henry might fairly and honestly claim compensation.

I should also wish to know whether you have heard of any previous dispute which led to this outrage, as Mr. Henry, by his letter to me of the 23rd of April, 1862, when on his journey out from England, evidently expected something of the sort would happen on his arrival here.

You will understand that in requesting this information I am actuated by a desire that both the white man and the black in this river should obtain strict and impartial and, if necessary, severe justice.

The British Government will certainly not permit the natives of these parts to commit unprovoked outrages on the factories with impunity; but it is equally certain that they will never allow the Englishmen residing in this river to violate all principles of law and justice in obtaining by violence a settlement of their mercantile affairs, and then acknowledge their right to appeal to them for protection against retaliation, or compensation for losses resulting to them thereby.

In conclusion, I have to beg that you will lay before me without delay a statement of any of your affairs in this river which require a settlement before my departure, which will be on the 2nd of April at the latest.

I have, &c.

(Signed) HY. STANHOPE FREEMAN.

Inclosure 10 in No. 12.

Mr. Hooper to Consul Freeman.

Sir,

Fort Harrison, Benin River, April 2, 1863.

I RECEIVED your communication this morning, and, according to the best of my knowledge, I should estimate the amount of Mr. Henry's loss of goods to be the value of 200*l.* I know nothing of any previous dispute between Mr. Henry and the natives, excepting the stealing of the canoe, as mentioned by Mr. Brown, and which I heard of at the time it happened.

Respecting our own establishment, we have one long-boat and two kroomen detained at Becky by the natives. They will not deliver them up excepting by our paying between 60*l.* and 70*l.*, which we think is quite out of all reason. The "*Sunshine's*" pinnace they have also detained. I have also had on one occasion 25 quarter-barrels of gunpowder, and on another occasion, within six weeks following, 98 quarter-barrels of ditto, stolen, and for which no satisfaction or compensation has been had, although reported to Jerry, the Governor.

I remain, &c.

(Signed) F. HOOPER, *Master, ship "Sunshine."*

Inclosure 11 in No. 12.

Mr. Forshaw to Consul Freeman.

Sir,

Benin River, April 2, 1863.

I BEG to acknowledge the receipt of your letter of the 31st ultimo. In regard to Mr. Henry's affairs I must state, in the first place, that the outrage took place in May 1862, and I did not come in the river till September 1862.

Mr. Snape, who was then here, and who relieved me in April 1861, wrote me on the 23rd May, 1861, of which the following is an extract:—

"Now for that simple cove, Aquabo: his canoes, with fourteen puncheons of oil in, were three or four miles up Warree Creek for eight days before you left there; they had orders to remain till you were gone."

(I must here state that Aquabo owed me thirteen puncheons of oil when I left here in April 1861.)

"Some few days after you left he came to tell me his oil had come from market, &c.; wanted the hogshead of tobacco, and trust from me for twenty puncheons before he would bring the oil to pay your trust. Of course I would do no such thing. Mr. Henry, hearing of this oil being there, goes to Batara, jams with him for it; following day Aquabo takes the fourteen puncheons to him, tom-toming in fine style close past our wharf. Well, Henry gets his oil on board, and settles with him so—

"Two puncheons, chop for trust he owes him.

"Six ditto ditto ditto Yellow, of Fishtown, his brother.

"Six ditto ditto ditto Accubo, a man who has been dead some six years.

"Mr. Aquabo returns to his virtuous home, highly indignant, of course, at being sold so. Two days after goes again to Henry, threatens war, &c., if not paid. Henry, not to be frightened by such a 'coon, sends his people away, confines Aquabo on account of some old trust of Dollas and Chenomi's, and does not let him go until after several great meetings, and Doz and Co. stand guarantee for him."

This account is substantiated by both white men and the natives. Mr. Henry went home soon after this, and left Mr. Brown in charge. In April 1862 there was some affair between Henry's kroomen and Aquabo's people, in which a slave of Aquabo's was killed. Aquabo is reported to have demanded payment for this slave in Mr. Brown's absence, threatened war, &c., and left the beach. Mrs. Brown (I believe) sent word of this to Jerry, who sent some of his people down to protect Henry's beach from Aquabo, and on Mr. Henry's arrival in the river in May 1862, he sent Jerry's people away, saying he could protect himself. On the 24th of May, while outside the bar, waiting for the mail, Aquabo landed on the beach, and robbed the place, after ill-using a European, and using threatening and insulting language to Mrs. Henry.

About the amount of property taken I can form no idea of what was taken further than by surmising what two canoes would carry of the description of property alleged to have been stolen. In the first place Aquabo acknowledges to 100 cases of gin, say $3\frac{1}{2}$ puncheons. Now I have never heard that any bales or cases of cloth were taken, only loose cloth and silk, in the shop. If he had 1,000 pieces of cloth loose in the shop, and all taken, it would amount to 12 puncheons of oil, and take up a great deal of room when bundled out by the natives. The silk, supposing it to have been bandana silk, say at the outside there was 200 pieces, this would realise 16 puncheons, in all $31\frac{1}{2}$. Now other small articles, which would take room in regard to their value to a puncheon of oil, such as knives, locks, matchets, &c., say $8\frac{1}{2}$ puncheons. This would quite fill a large and small canoe, which were said to be there on the day of the robbery. The value of 40 puncheons or 27 tons at invoice prices of the description of goods taken, would be about 485*l.*; of course this is all surmise on my part, but it is in relation to the means of conveyance and the description of articles I have heard were stolen that I have formed the idea.

I will now give you a copy of the letter I wrote to H. G. Foote, Esq., in March 1861, which will show you what little power of redress we have here. The affair has happened so long since that further than their being now made aware that such a thing shall not happen again with impunity, I do not wish the matter taken notice of:—

"H. G. Foote, Esq.

"Sir, *Benin River, March 6, 1861.*

"In consequence of a trader having carried off two of my kroomen, I deem it expedient to inform you on the 7th February my long-boat went up the river for water with four kroomen and six empty casks. On the 8th two canoes came and carried off two, the other two escaping in the bush. Since then I have got one krooman; they still have the other one. The Governor of river sent up for my boat, when she came down minus the sails, ropes, and three empty casks. The cause of this is my refusing to pay this trader for a half puncheon of oil, which was one-third all mud. Instead of him going to the Governor about it, he has acted as stated above. I have still the half puncheon on the beach. You are perhaps aware that things are not altogether right in this river concerning the Governor—he seeming to have no power further than his own town.

"I remain, &c.

(Signed) "THOS. S. FORSHAW."

There are other matters which have happened to Messrs. Harrison's factory, but of which I have no direct information; such as the murder of a krooman by some one unknown in 1861; the robbery of powder, and the detention of some of their kroomen and long-boat somewhere on the coast.

I must also state that there is a krooman now living at Fish Town or Beggy, who it

is the general wish of us white traders should be given up to be sent home to his country, or any other place he wants to go out of this river. He was steward with Captain McKay (now dead), whom he robbed to a great extent, and gave the proceeds of the robbery to a native for the use of his daughter or relation—I am not sure which. When Captain McKay found it out he flogged him severely, which caused him to run away; was given up by the natives, and ran away again. He is now living amongst them, and we think to our detriment, knowing that he had no property of his own when he came here first, and the natives are not likely to keep him for nothing.

In conclusion, I would beg to state that an occasional official visit of a man of-war, say once in six months, just to inquire into the state of the river would be beneficial, when your Excellency might be unable yourself to come; holding the Chiefs generally, and not Jerry solely, the responsible parties (they would be Jerry, Jebuffa, and Dolla, the latter representing the King's sons at Warree) for anything happening in this river.

I remain, &c.

(Signed)

THOS. S. FORSHAW.

Inclosure 12 in No. 12.

Mr. White to Consul Freeman.

Sir,

Benin River, April 2, 1863.

IN reply to your letter of March 31st requesting information concerning the late outrage upon Dr. R. C. Henry's factory, I beg leave to state that in the first place, the perpetrator of the outrage, Ikebua, owed to Dr. Henry about fourteen puncheons of oil; another native, Accoradoz, informed Dr. Henry that Ikebua had just received from market about sixteen puncheons of oil, and suggested as a good plan that Dr. Henry should by offering a good price for that oil, induce Ikebua to put the sixteen puncheons oil upon his (Dr. Henry's) beach, when he could chop or seize the fourteen puncheons due to him: this was accordingly done.

Ikebua, it appears, after that determined to have revenge for losing his oil in the above manner.

After several months' time this man's people attempted to steal a canoe from Dr. Henry's factory, which attempt cost him a man killed; this again aroused Ikebua and he in person went to Dr. Henry's house, while Mr. and Mrs. Henry were away, and threatened, to the wife of Mr. Brown, to burn down the whole establishment.

Upon 24th May, Dr. Henry outside the bar, Ikebua attacked his factory with a number of people. Mrs. Henry being frightened ran away through bush to Messrs. Harrison's factory.

Ikebua took keys of the shop from a yellow-man, Emanuel, and helped himself to about 100 cases gin, half-cask bread, some silk and knives; other things also might have been taken away at same time, but as I have stated, so I heard from Dr. Henry himself. Supposing the silk taken to have been to the value of 200*l.*, knives to the value of 100*l.*, the gin 30*l.*, the bread 4*l.*, it would give a total of 334*l.*

Seventy puncheons of oil is the amount that Dr. Henry told me he claimed from Ikebua for the goods stolen. I should think that the claim of 500*l.* would well cover Dr. Henry's entire loss of cargo.

As regards my own affairs, I have only to say that everything has gone on quite unmolested in every way. I therefore have no fault to find further than this, that Jerry thought proper to stop my trade for eight days, and for re-opening the same received from me a puncheon of rum and other goods.

Cause of my trade being stopped was, that I could not pay Jerry salt for two puncheons oil he lent me. I had made no jam for this oil, and my salt was all sold.

The like of the above, I think, that Jerry would not hesitate to repeat, not only to myself, but to any one else for a like petty affair.

I am, &c.

(Signed)

— WHITE.

Inclosure 13 in No. 12.

Compact between his Excellency Henry Stanhope Freeman, Esquire, Governor and Commander-in-chief in and over the Settlement of Lagos and its Dependencies, Vice-Admiral of the same, Her Britannic Majesty's Consul for the Bight of Benin, &c., &c., on the one part, and Jerry of Jacqua, Governor of the Benin River, Jerbuffon of Jacqua, and Dola of Bubi, as representing the Chiefs of the Benin River, on the other part.

WHEREAS for some time past no adequate protection has been afforded by the Chiefs to the British merchants in this river, their factories having been attacked, their property stolen, and themselves insulted and threatened, without any redress.

In order, therefore, to terminate the existing disputes, and to ensure for the future greater protection to British commerce, and to the lives and property of British traders—

ARTICLE I.

It is agreed between the said Contracting Parties, that the amount of thirty-five puncheons of palm-oil be paid into the hands of whoever may be designated to that intent as the Representative of the British Government in these parts, the said oil to be paid as compensation to certain merchants whose property has been stolen by people of this river.

ARTICLE II.

Atuatia, of Becky, shall be given up to the British authorities at Lagos within the period of six calendar months, and will be imprisoned at that place for one year, after the expiration of which he will be allowed to return to his country.

ARTICLE III.

Should any robbery be committed henceforward, unless the stolen property be immediately returned or paid for, and compensation made, the offender shall be delivered up to the authorities at Lagos, there to undergo imprisonment, the period of which will depend upon the circumstances of the case; and the Chiefs of the river will be made responsible for the stolen property.

ARTICLE IV.

Any white merchant who shall trade or attempt to trade with any native guilty of a robbery, or attempt to rob, or other crime, until full amends shall have been made for the same, shall have his trade stopped by the Government for a period not exceeding one month.

ARTICLE V.

Any white man who may attempt by violence to obtain payment of trust due to him shall have his trade stopped by the Governor for a period not exceeding one month for the first offence, or until such time as the British authorities at Lagos can be communicated with on the subject.

ARTICLE VI.

The thirty-five puncheons of oil mentioned in Article I shall be paid in the course of eighteen months; but if twelve puncheons of the same be not paid within the period of six months, and all the other conditions of this Agreement fulfilled, the British authorities will consider themselves entitled to adopt what measures they may think advisable to obtain satisfaction, as though this compact had never been made.

ARTICLE VII.

As soon as the indemnity guaranteed by Article I shall have been paid, and the other conditions of this Agreement fulfilled, a comey of one puncheon per 100 tons shall be charged on the European trade, and shall be paid by the merchants to the Chiefs

of the place, the division of the same to be made hereafter according to their rank and position in the country.

(Signed)

HY. STANHOPE FREEMAN.

JERRY OF JACQUA, his $\bowtie$ mark.

JERBUFFON OF JACQUA, his $\bowtie$ mark.

DOLA OF BUBI, his $\bowtie$ mark.

(Signed)

B. L. LEFROY, *Lieutenant and Commander, H.M.S. "Investigator."*

Witness:

The above document was explained in the Cheekree language, in our presence.

(Signed)

THOS. H. FORSHAW.

H. WHITE.

J. HARPER.

J. H. BROWN.

No. 13.

Mr. Layard to Acting Consul Glover.

Sir,

Foreign Office, June 23, 1863.

I AM directed by Earl Russell to transmit to you a copy of a letter from Mr. Dalton, calling attention to his claim to be reimbursed the sum of 36*l.* 2*s.* 6*d.*, the value of some goods belonging to him which were stolen whilst on their passage through the territories belonging to the Chiefs of Abbeokuta when Mr. Dalton was attached to the Niger expedition, and with reference to the correspondence, which you will find in the archives of the Consulate respecting this case, I am to desire that you will not omit to include Mr. Dalton's claim in any arrangements that may be made with the Abbeokutans for the settlement of British claims.

I am, &c.

(Signed)

A. H. LAYARD.

Inclosure in No. 13.

Mr. Dalton to Mr. Layard.

(Extract.)

Brunswick Cottage, Forton, Gosport, May 27, 1863.

I RESPECTFULLY beg to call attention again to my applications for repayment of 36*l.* 2*s.* 6*d.* owing to me for losses sustained during my service with the Niger expedition, as stated in my letter of the 24th February, 1862; and as in your letter of reply of March 26th it is stated that communications had been made to the Governor of Lagos, who is now in England, I hope such information will be obtained from him as will enable my claim to be settled forthwith.

No. 14.

Acting Consul Glover to Earl Russell.—(Received July 12.)

(Extract.)

Lagos, June 9, 1863.

I INCLOSE, for your Lordship's information, copy of a letter I addressed to the Bashorun and Chiefs of Abbeokuta announcing my arrival, and trust that the sentiments I have therein expressed may meet your Lordship's approval. I also inclose a copy of their reply.

In sending my letter to the Bashorun and Chiefs I caused it to be intimated to them privately, by a person resident in Abbeokuta, that if my proposals should be accepted I would write officially and request an interview.

On the 6th instant messengers arrived from the Bashorun and the Chief Atambala, who presented me with a very large fat sheep. The following is the substance of the message they brought down, viz.:—

"Very glad to hear of my safe arrival; very glad to see the letter I sent, more especially as I was an old friend. Since their interview with the late Acting Governor and the Commodore they have been waiting to see what the Governor would do about settling the Iccorodu matter. Since their promise of abstaining from hostilities towards Iccorodu,

Iccorodu has carried on hostilities. Knowing that Iccorodu is under our protection they don't like to do anything offensive. They now beg to know what I intend to do about settling the Iccorodu matter, and they will remain quiet until they have heard from me. They beg that if I intend to settle the matter to do it as soon as possible; if otherwise, that they may be told in time, so that they may know what to do."

I proceeded the same day, viz., the 6th instant, in Her Majesty's ship "Handy," to Iccorodu. The people of Iccorodu declared that they will die where they stand, and see their town burnt, before they will again trust their King, because he has brought in the Egbas to destroy Makun and their own town; and during the war the Chiefs of thirty towns who had made their submission, as they are now requested to do, had been afterwards sacrificed, their wives, children and people sold into slavery, and their towns destroyed. I promised to stand between them and their King in negotiating peace, assuring them that Her Majesty's Government could never sanction such atrocity being committed upon them as that which had been perpetrated upon their tribe (viz., Jebu Remos in the interior).

After a long and very stormy debate I succeeded in getting them to place themselves entirely in my hands, and to abstain from further hostility until I had a conference with the other contending tribes.

By this your Lordship will see that I have shown the Egbas and the King of Jebu Ode my willingness to do all on my part to open a way to negotiation.

Your Lordship will observe by the message received from the Egbas, that there is no mention of my application for an interview being received by them; and it is privately intimated that the Iccorodu matter is to be settled (that is, given up to destruction) before my presence among them will be acceptable. I trust, however, that I may be enabled to open a communication with the King of Jebu, when, if the matter be plainly put before him, I think he may be more easily induced to listen than the Egbas, inasmuch as he is at present destroying his own interests, as well as the prosperity of his country.

Inclosure 1 in No. 14.

The Acting Colonial Secretary to the Bashorun and Chiefs of Abbeokuta.

Lagos, May 26, 1863.

I AM directed by his Excellency Lieutenant-Governor Glover, Commander in Her Majesty's Royal Navy, to inform the Bashorun and Chiefs of Abbeokuta that Her Majesty the Queen has been graciously pleased to appoint him her Lieutenant-Governor, Commander-in-chief and Vice-Admiral of her Colony of Lagos, and its dependencies, and his Excellency has desired me to express to the Bashorun and Chiefs of Abbeokuta his good wishes for the prosperity, safety, and peace of Abbeokuta, as well as of this country generally.

His Excellency takes this opportunity of reminding the Bashorun that they are not unknown to each other, and that when his Excellency was last at Abbeokuta the Bashorun said that he loved him. Mr. Townsend will remember this, and his Excellency has not forgotten it.

The Bashorun may be certain that his Excellency will, on his part, use his best endeavours towards obtaining a settlement of the present difficulties; and his Excellency would be delighted to receive from the Bashorun the assurance of his co-operation in all measures which may tend to the happiness, peace, and prosperity of the peoples over whom they have been called upon to govern and protect.

(Signed)

WALTER LEWIS.

Inclosure 2 in No. 14.

Mr. Robbin to Lieutenant-Governor Glover.

Sir,

Aké, Abbeokuta, June 1, 1863.

I AM requested by the Bashorun and Chiefs of Abbeokuta to acknowledge your letter of the 26th ultimo, informing them of your appointment as the Lieutenant-Governor of the Colony of Lagos.

They have requested me to offer you their congratulations on the event of this your appointment.

The Bashorun remembers well that he said that he loved you, and not being unknown

to each other, he and the Chiefs sincerely hope that your Excellency will agree with them in measures tending to the general welfare of the country.

I am, &c.
(Signed) H. ROBBIN.

No. 15.

Earl Russell to Acting Consul Glover.

(Extract.)

Foreign Office, July 20, 1863.

I HAVE received your despatch of the 9th of June, reporting upon the present political state of affairs in the countries surrounding Lagos, and the steps taken by you with the view to bring about an adjustment of the differences between the contending States; and I have to acquaint you that you appear to me to have acted judiciously in the matters touched upon in your despatch.

No. 16.

Earl Russell to Consul Freeman.

Sir,

Foreign Office, July 31, 1863.

I HAVE to acquaint you that I approve the steps taken by you for the settlement of the various questions pending in the Benin River, as reported by you in your despatch of the 10th of April last.

I am, &c.
(Signed) RUSSELL.

No. 17.

Acting Consul Glover to Earl Russell.—(Received August 14.)

My Lord,

Lagos, July 10, 1863.

I HAVE the honour to forward, for your Lordship's information, a copy of a letter which I have received from Mr. Henry, of the Benin River, together with a statement of the claims of that gentleman.

I have, &c.
(Signed) JOHN H. GLOVER.

Inclosure 1 in No. 17.

Mr. Henry to Acting Consul Glover.

Sir,

"Ethiophe," Lagos, July 9, 1863.

I HAVE the honour to inform you I have been at Benin River since the 24th of May last, up to the 22nd day of June; that I find it quite impossible to carry on any business whatever in that river. The natives will not come near my establishment, since they do not consider the outrage of May 1862 has been settled. They feel convinced that outrage was of so aggravated a nature that it deserved severe punishment, and they expect it will be inflicted.

The natives do not take the slightest notice of the compact of April 1863, made by Governor Freeman.

Jerry, the Governor of the River Benin, denies *in toto* the 1st, 2nd, and 6th Articles in the compact. Having asked him how I was to recover my property which was due me, I was advised to catch the slaves passing in the river, and sell them.

I have the honour to inclose you a list of property due me, and likewise an estimate of losses through this outrage, that should your Excellency visit the Benin River after the 2nd of October next, you may be better enabled to form an opinion of the extent of my pecuniary losses through this man's act.

I am now proceeding to England, and shall hope Her Majesty's Government will take my case into further consideration: it is the first of its nature on this coast; God grant it may be the last!

I have, &c.
(Signed) R. C. HENRY.

Inclosure 2 in No. 17.

STATEMENT of the Claims of Richard Charles Henry, late of Benin, West Coast of Africa, upon the Chief of that river, for loss sustained by him in consequence of an attack upon his house and property in that river by a Native Chief, on the 24th day of May, 1862; and his ultimate remove therefrom, consequent upon the non-punishment of the criminal.

1. A claim in respect of merchandize plundered from out of the store-house at Lemnoo, Benin River, viz. :—

	£	s.	d.	£	s.	d.
200 cases gin	125	0	0			
1 cwt. of tobacco	7	0	0			
200 lbs. cotton cloth	75	0	0			
Hardwares, consisting of swords, matchets, knives, razors, and daggers	300	0	0			
50 pieces fancy silk	45	0	0			
Woollen goods	20	0	0			
Provisions	50	0	0			

622 0 0

2. In respect of dwelling-house, furniture, boat &c., in river.. .. .	1,110	0	0
3. In respect of house and store at Wanu dwelling-house	500	0	0
180 tons of palm kernels at 8 <i>l.</i> per ton	1,440	0	0
25 acres of sugar-cane, estimated to produce 100 puncheons of rum, at 12 <i>l.</i> per puncheon	1,200	0	0
5 acres of rice, estimated to produce 2 tons, at 17 <i>l.</i> per ton	34	0	0
80 casks and shooks at 22 <i>s.</i> 6 <i>d.</i>	90	0	0
1 large boiler	30	0	0
5 nut-cracking machines	125	0	0

DISBURSEMENTS.

Travelling expenses of R. C. Henry on the coast, including bond, &c. ..	300	0	0
Voyage to England and back including wine bill, &c. ..	146	0	0
Expenses in England	350	0	0
Keeping and paying of 40 kroomen in my employ for 11 months, at 1 <i>l.</i> per month	440	0	0
Keep and pay of 3 coopers for 11 months, at 4 <i>l.</i> 10 <i>s.</i> per month ..	149	10	0
Keep and pay of clerk for 11 months at 28 <i>l.</i> per month. ..	308	0	0

PROFIT AND LOSS ACCOUNT.

Estimate profits on goods taken from store at river side, valued at 75 per cent. on 622 <i>l.</i>	466	10	0
Estimate profit on 180 tons palm kernels at 4 <i>l.</i> per ton	720	0	0
Estimate profit on 100 puncheons of rum, at 15 <i>l.</i> per puncheon	1,500	0	0
Estimate loss on 350 puncheons of oil out on trust in the Benin River at 39 <i>l.</i> per ton	9,000	0	0
Claim for loss of trade, 5 years' profit at 2,700 <i>l.</i> per annum, being the average on my trading over a period of five years	13,500	0	0
	£32,031	0	0

The Account of Oil due to R. C. Henry by the different Traders in Benin River.

Town of Jackwa—	Puncheons.*		Puncheons.
Governor Jerry	38	Affute (her slave)	3
Given to his people at his request—		Accibo 8, Agbobo 1	9
Andonbo, Epillo, Adia, Juttu,		Ajote	5
Michalamie	33		53
Agne	24½	Fish Town—	
Boggre	77	Jollo, Akibomia's brother	4
Jebuffu, on account of Allabah	5	Occubo (his slave)	5
Moniduwa	17½	Boddo	7
Alluma's boys, Jack 1½, Attewdo 1	2½	Onia	4
(Moniduwa) Allubide Croigu	3½	Luo	1
Addo	3		21
Expesuma Baggie	9	King's House at Wanu—	
George Baggie	2	Mamah	9
Missumaut	7	Nyowne	1
Accoro Amma	2	Chamwanu	9
	208	Agbam	12
Battanic—		Madjoko	7
Abromoney	19½	Emie	3
Occoroday	1	Cocka	4
Acquoru	5		45
Pedro	1	To cargo plundered on the 24th day of	
	26½	May, 1862	90½
Boobie—			
Princess Dollar	22	Total	444
Channomi (her son)	14		

444 puncheons equal to 297¾ tons, at 35*l.* per ton equal to 10,421*l.* 5*s.*

* 1 Puncheon equal to 220 gallons.

No. 18.

Acting Consul Glover to Earl Russell.—(Received August 14.)

My Lord,

Lagos, July 10, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch dated the 23rd of May, and its inclosure, informing me that Her Majesty's Government have determined to avail themselves of the contract with Mr. McCoskry to forward supplies to Dr. Baikie, and authorizing me to purchase such goods for Dr. Baikie's use as I may consider suitable, to the amount of 300*l.*, and to entrust the same to Mr. McCoskry's care.

I shall take the necessary steps for executing your Lordship's directions; but I would beg leave to bring to the notice of your Lordship that I have been compelled to store a very great quantity of powder on board the hulk, viz., 9,488 kegs of gunpowder.

The quantity being so large (in consequence of our roads to the interior being closed), that the safety of the Colony required that it should be under the safe-keeping of the Government, I am preparing a temporary place where I hope this powder may be landed, stored in such security as I can give it, until the rains (which are at present unprecedented both in their continuance and force) shall be over, when I will build a magazine.

I would suggest to your Lordship whether it would not be better that the man-of-war which ascends the Niger shall tow up the schooner, as I consider that while the tug-steamer "Advance" is up the Niger, Lagos will be at a stand-still until she returns.

This is the worst season for the bar, and there are days, sometimes weeks, when even the "Investigator" dare not attempt to go out, neither can any ship enter or go out during the absence of the steam-tug "Advance."

I have, &c.
(Signed) JOHN H. GLOVER.

No. 19.

Earl Russell to Acting Consul Glover.

Sir,

Foreign Office, August 24, 1863.

I HAVE received your despatch of the 10th ultimo, suggesting, with reference to Mr. McCoskry's proposed expedition up the Niger, whether it would not be better that the man-of-war steamer which ascends that river should tow up the schooner that has been lent to Mr. McCoskry to enable him to carry out his proposed expedition.

I have in reply to state to you that I am not aware that any arrangements have been made for sending a man-of-war steamer up the Niger this year, and even if arrangements had been made for sending one, I should not feel justified in asking the Lords of the Admiralty to instruct the Commander of one of Her Majesty's cruisers to tow a vessel engaged in a private speculation up that river.

It should be borne in mind that when Mr. McCoskry's request to be allowed to have the use of the hulk for the ascent of the Niger was acceded to, it was on the understanding that his own steam-vessel towed her up the river, and the fact that Lagos would be without the use of a steam-tug during the absence of the "Advance," must have been as well known at the time the request was made, as it was subsequently, when you wrote your despatch.

I trust, however, that Mr. McCoskry will be enabled to carry out his proposed expedition without the aid of one of Her Majesty's ships.

I am, &c.
(Signed) RUSSELL.

No. 20.

Acting Consul Glover to Earl Russell.—(Received September 11.)

My Lord,

Lagos, August 7, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 23rd June, transmitting copy of a letter from Mr. Dalton calling attention to his claim to be reimbursed the sum of 36*l.* 2*s.* 6*d.*, the value of some goods belonging to him,

which were stolen whilst in their passage through the territories belonging to the Chiefs of Abbeokuta when Mr. Dalton was attached to the Niger Expedition, and desiring me to include this claim in any arrangements that may be made with the Abbeokutans for the settlement of British claims.

I have the honour to state that due attention shall be paid to the same in any arrangements that may be made with the said Chiefs.

I have, &c.
(Signed) JOHN H. GLOVER.

No. 21.

Acting Consul Glover to Earl Russell.—(Received September 11.)

(Extract.)

Lagos, August 8, 1863.

I HAVE the honour to inclose, for your Lordship's information, copies of correspondence exchanged between this Government and that of Abbeokuta.

Trusting my reply to the Egba Chiefs may meet your Lordship's approval, I have, &c.

Inclosure 1 in No. 21.

Mr. Robbin to Lieutenant-Governor Glover.

Sir, *Aké, Abbeokuta, July 22, 1863.*
I AM desired by the Bashorun and Elders of Abbeokuta to present you their respectful compliments.

In accordance with the suggestion in the latter clause of your letter of the 11th June last, they request me to inform you that it will give them great pleasure to receive the visit you kindly offered them at Abbeokuta for the calm discussion of the existing state of affairs.

They will be happy to send messengers to accompany you up, as soon as you give them notice of your readiness to start.

They further request me to state that, should you have any intention, on your coming, of bringing any Representative of the Ikorodu, you will kindly give them timely notice, that they may be able to send for a Representative of the Awujale.

I remain, &c.
(Signed) H. ROBBIN.

Inclosure 2 in No. 21.

Mr. Robbin to Lieutenant-Governor Glover.

Sir, *Aké, Abbeokuta, July 22, 1863.*
THE Bashorun and Elders of Abbeokuta request me to state for your information that the Ikorodu people have again been on a kidnapping expedition near their war camp in Makun, and have killed two of their men very near the walls of their camp.

Their people no sooner heard of this than they pursued them and caught five of them.

The Bashorun and Elders respectfully request that as the Ikorodu people are under your protection, you would examine into this act of aggression; this being the third time of their having committed acts of this kind on their people since your letter to them dated the 11th June last.

I remain, &c.
(Signed) H. ROBBIN.

Inclosure 3 in No. 21.

Mr. Foresythe to Mr. Robbin.

Sir, *Lagos, July 30, 1863.*
IN reply to your letter of July 22nd, reporting the three acts of aggression committed by the Ikorodu people, I am directed by his Excellency to state, for the information of the Bashorun and Chiefs, that from inquiry, his Excellency finds as follows:—

The people of Ikorodu are not to be held responsible for the actions of the remnants of the people of Makun who had escaped the destruction of the said town by the Egbas.

That the escaped from Makun gather themselves and encamp near Makun to worry the Egbas who are encamped in their said town.

The people of Ikorodu are attending their farms, and have nothing to do with the war.

That twenty-three days ago the people of Ofin came to and kidnapped seventeen persons from their farms.

That eleven days ago another attack was made on their farms by the Ofins, who took away eight men.

That yesterday a man, Ogufowora, fled from his farm, where were he and five other men, four of whom were taken away by the Ofins, and one killed.

The Jebu Ode have never kept the understanding come to between the Acting Governor and Commodore and Bashorun and Chiefs, viz., that hostilities should be suspended until the Acting Governor went to Makun.

I have, &c.
(Signed) CHAS. FORESYTHE.

Inclosure 4 in No. 21.

Mr. Foresythe to Mr. Robbin.

Lagos, July 30, 1863.

Sir,

I AM directed by his Excellency to acknowledge the receipt of your letter dated July 22nd, and to request you to present his Excellency's compliments to the Bashorun and Elders of Abbeokuta.

In reply to their kind offer to receive his Excellency at Abbeokuta in accordance with the latter clause of his Excellency's despatch dated June 11, "for the calm discussion of the existing state of affairs," his Excellency desires me to state, for the information of the Bashorun and Elders, that if his Excellency's visit shall have for its purpose "the opening of negotiations for the settlement of a general peace," as stated in his Excellency's despatch dated June 11, it will afford his Excellency great pleasure to meet the Bashorun and War Chiefs at some place on the river, say Markoloki or other place near Makun; this would be carrying out the arrangements entered into between the Acting Governor and Commodore and the Bashorun and Elders of Abbeokuta.

The late visit of the Acting Governor and Commodore is not considered by this Government to have been attended with any satisfactory result; and after some days spent in long discussion, the Acting Governor was referred to Makun, an arrangement which has never been carried out (not through any fault of the Government of Lagos).

You will again express to the Bashorun, Elders, and War Chiefs of Abbeokuta the compliments of his Excellency the Lieutenant-Governor, and assure them of his Excellency's readiness to do all on his part towards opening negotiations which may bring about the settlement of a general peace.

I have, &c.
(Signed) CHAS. FORESYTHE.

No. 22.

Acting Consul Glover to Earl Russell.—(Received September 11.)

(Extract.)

Lagos, August 9, 1863.

I HAVE the honour to inform you that, in compliance with your Lordship's directions, contained in despatch of the 23rd of May, I have purchased goods for Dr. Baikie to the amount of 300*l.*

No. 23.

Acting Consul Glover to Earl Russell.—(Received October 13.)

My Lord,

Lagos, September 8, 1863.

I HAVE the honour to inclose for your Lordship's information, copies of the despatch addressed by me to Commodore Wilmot, C.B., and of the orders I communicated to

William McCoskry, Esquire, for his guidance in communicating with Dr. Baikie and King Massaba.

Trusting that my proceedings may meet your Lordship's approval, I have, &c.

(Signed) JOHN H. GLOVER.

Inclosure 1 in No. 23.

Lieutenant-Governor Glover to Commodore Wilmot.

Sir,

Lagos, September 3, 1863.

I HAVE the honour to inclose for your information a copy of the instructions I have given to W. McCoskry, Esq., agreeably with the directions contained in Earl Russell's despatch of May 23, 1863.

I have, &c.

(Signed) JOHN H. GLOVER.

Inclosure 2 in No. 23.

Lieutenant-Governor Glover to Mr. McCoskry.

(Extract.)

Lagos, September 3, 1863.

HAVING been directed by Earl Russell to entrust to your care goods to the value of not more than 300*l.*, I have placed on board Her Majesty's ship "Investigator," (which vessel will convey you up the Niger) supplies for Dr. Baikie, amounting in value to 293*l.* 5*s.* 10½*d.*; also seven packages for Mr. and Mrs. Hinderer, who are in great distress at Ibadan.

I have also directed two Haussa men and a Yoruban to accompany you; the two men, viz., Harry and Mahomodo, are both known to King Massaba, as my people, and Oshotto the Yoruban is well acquainted with the country.

Should Dr. Baikie be absent from the Confluence when you arrive there, you will endeavour to ascertain where he is, and bearing in mind that the principal object of the expedition is to communicate with that officer, you will use your utmost endeavour to effect this.

Should Dr. Baikie not have been at the Confluence since the visit of the "Investigator" last year, you will at once proceed to King Massaba, at Bidda, or wherever that King may happen to be, taking with you in the "Investigator" the supplies which you have have for Dr. Baikie. I consider that these supplies should not be landed at the Confluence until you have either communicated with Dr. Baikie, wherever he may be (if that be possible), or have seen King Massaba, and learnt from him the latest intelligence of Dr. Baikie.

Should Dr. Baikie be absent from the neighbourhood of the Niger, you will consult with King Massaba as to how, if it be possible, you may obtain a personal interview with Dr. Baikie. You will find that King Massaba will afford you every facility in effecting this object, as I know that he was very much annoyed that Dr. Baikie was absent when the "Investigator" visited the river last year.

Should Dr. Baikie have died, you will endeavour to recover his property, and bring down with you anything that may be of sufficient value, but more especially make every effort to recover and bring away his journals, indeed every scrap of paper belonging to him that you can recover; you will endeavour to obtain every information respecting his death, should it have taken place—when, where, how, and among what people he died. Should any of them be at Bidda or the Confluence, you will (if you find from inquiry that he was kindly treated) reward them liberally. You will endeavour to obtain the amount of any debts he may have owed, and liquidate them; and you will deal most liberally with King Massaba from the supplies under your care.

I must request that as soon as possible you will despatch Harry and Oshotto with the seven packages for Ibadan, obtaining the necessary assistance from King Massaba, who will send his messengers and people with them. I consider that they should return from Ibadan to Lada (Lahday) on the Niger in fourteen days, so as to be enabled to return to the coast in the "Investigator," and I hope the "Investigator" may be able to remain in the neighbourhood of Egga or Lada for that time.

If Dr. Baikie should be sufficiently near to be communicated with, you will find Mahomodo a suitable and trustworthy person to send to him as a messenger. I am not

aware what orders Commodore Wilmot will give to the officer in command of the "Investigator," but there can be no doubt that as little delay as possible should take place until you have communicated with either Dr. Baikie or King Massaba; and all Treaty visits to the different towns on the river should be deferred until the principal object of your visit to the river has been effected, viz., communicating either with Dr. Baikie or King Massaba.

Should Dr. Baikie be alive and so far distant as to render any communication with him impossible during the short stay the "Investigator" can make in the river, you will leave the supplies under the charge of King Massaba, and no one else, always supposing that he is willing to undertake it.

You will be particular to impress upon King Massaba Her Majesty's appreciation of his kindness and the protection he has always afforded to her people since they came to him in 1857. You will assure him (and if it be possible make him believe) that we are some day coming to trade with him, and establish permanently factories in his country. You will find this a delicate subject to treat of with him; but from your long residence in this country as a merchant I am quite sure that your discretion and judgment will enable you to effect a good understanding with King Massaba on this point.

I must beg you to remember me to King Massaba, and assure him that I have never forgotten his kindness, in proof of which please hand to him the present I have sent. As soon as the war is over, which at present separates us, you will tell him that we must often see each other's messengers.

With full confidence in your zeal, ability, and discretion, I have, &c.

No. 24.

Earl Russell to Acting Consul Glover.

Sir, *Foreign Office, October 23, 1863.*
I HAVE received your despatch of the 8th of September last, transmitting a copy of a letter addressed by you to Commodore Wilmot, inclosing a copy of the instructions to Mr. McCoskry on his proceeding to communicate with Dr. Baikie and King Massaba, and I have to convey to you my approval of your having employed Mr. McCoskry on this service, and I concur in your instructions to him.

I am, &c.
(Signed) RUSSELL.

No. 25.

Acting Consul Glover to Earl Russell.—(Received December 11.)

Extract.) *Lagos, November 6, 1863.*

I HAVE the honour to inclose for your Lordship's information a copy of the report furnished me by Mr. McCoskry of his proceedings while on board Her Majesty's ship "Investigator," which returned here from the River Niger on the 17th October.

By this vessel King Massaba has sent a horse as a present to Her Majesty. I have taken charge of it until I can receive instructions from your Lordship.

There is also a letter from King Massaba to Her Majesty, but this the officer commanding Her Majesty's ship "Investigator" is forwarding by this mail to the Secretary of the Admiralty.

King Massaba has also sent me a horse in lieu of the one he sent to me last year, and which was drowned on the bar.

Inclosure in No. 25.

Mr. McCoskry to Lieutenant-Governor Glover.

Sir, *Lagos, October 24, 1863.*
IN accordance with your wishes I herewith subjoin a report of the last Niger expedition in Her Majesty's ship "Investigator."

Having on the 3rd ultimo taken in charge the despatches and supplies for Dr. Baikie, and received your instructions, I went on board Her Majesty's ship "Investigator," and

soon after she crossed the bar and anchored close to the "Rattlesnake," Commodore Wilmot, who, having supplied her with officers, men, and fuel, despatched her the same day for the Nun.

The "Rattlesnake" (in which I was offered a passage, and which I gladly accepted) followed next morning, and early on the 5th came up with the "Investigator" at anchor some eight miles from the Nun. The "Rattlesnake" towed her the remaining distance, and this day and the next were employed in putting on board the "Investigator" fuel and other supplies for the expedition.

On the morning of the 7th all was ready, and the Commodore having given the Commander instructions with reference to the Treaties to be made, supplied him with drafts of the same, and furnished him with presents for the Chiefs with whom he treated.

I conceived that any interference of mine in this department would be unbecoming, and therefore whatever credit is due for the negotiation of Treaties belongs to the Commodore and his officers.

We crossed the bar, and anchored off the mission station at 2 P.M.; and the Commander having gone ashore, the Rev. Mr. Crowther called a meeting of some men styling themselves Chiefs of Acarsa, who the same day signed a Treaty, and promised to protect the English flag which was hoisted; they claim both banks of the river. These Chiefs, and the people I saw here, struck me as being the lowest type of African I have yet seen; the acquisition and consumption of rum and tobacco seem to be the chief end of their existence.

Having taken on board the Rev. S. Crowther and some other passengers at 10 A.M. next morning, we proceeded up the river; and while, within the influence of the tide, could see nothing but a gloomy luxuriance of mangrove vegetation. At 3 P.M. we passed sundry islands, in the neighbourhood of which some small clearings, growing bananas, and sugar-cane were seen; as we ascend, these became larger and more numerous; and as the oil, palm, and silk-cotton tree supersede, the mangrove villages became frequent, the population turning out to gaze in wonder at the steamer; canoes, said to be from Brass, are seen going up and coming down the river, the one going for and the other returning with palm oil; they are all armed with one or more small carronades.

At 7 A.M. on the 13th anchored at Onitsha, the land being well above the highest level of the river, and from the bank slopes upwards gently till it attains, in a few miles, the height of 400 or 500 feet; the town is rather over a mile from the landing. The Church Missionary Society have here a station, which has a clean and healthy appearance; the soil is good and easily cleared; palm-oil is already produced in considerable quantities, and cotton only requires a steady demand to increase its production to an almost unlimited extent.

The King and Chiefs of this place are desirous of receiving emigrants from British Settlements; they would readily grant them land to cultivate, and afford them all the assistance and protection in their power.

Promising to make a long stay on our return, we were again under weigh by 3 P.M., and soon after passed the pretty village Asabi.

On the 15th, at 9:40 A.M., we passed the sandstone cliffs of Idda, waterworn and bare to the height of 80 feet, then sloping and covered with vegetation to the top. On the morning of the 16th arrived at Gbebe; here Mr. Crowther and the rest of the passengers left us, the station here being the highest point of missionary enterprise on the Niger. The King of Gbebe died about nine months ago, and the Government is now administered by three of the principal Chiefs, two of whom we met at the mission-house; the other Chief was ill. I learnt that here, and in all the towns about, the small-pox had been and was now carrying off numbers of the people. This town owes allegiance to the Alle of Idda, but it is virtually independent. By 11 A.M. we were moving towards Lukoja, where we arrived at noon. Dr. Baikie soon after came on board, and looked in better health than I expected. I delivered to him his mail-bag and packages; he informed me afterwards that he received letters now which should have come last year, and others, he feared, were missing altogether.

We remained at Lukoja till the afternoon of the 19th, when, Dr. Baikie having come on board, we started for Egga at noon. Next day we stopped at Bidon, called upon the Chief and desired him to send messengers to Bidda to announce our coming to the King, and also get him to send men with us to procure canoes at Egga.

On the 21st, at 8:25 A.M., anchored in the creek close to the town of Egga, and the men sent on shore about the canoes; during the day the natives brought off over half a ton of ivory, most of which they sold. Before dark the vessel went into the stream to avoid as much as possible the swarms of various insects which infest the river. Next morning, the canoes having come off, prepared to start; we then gave them our inter-

preter, servants, and luggage to convey, and the Commander, the Second Master, Dr. Baikie, and myself preferring the ship's gig, we pushed off at 10 A.M., and, about three miles higher up, crossed to the left bank, and pulled up a small river which passed the village of Wonagi, six miles of Bidda; the current was strong, and though the distance passed in the bush could not been more than 55 miles, we did not reach Wonagi till 9 P.M. on the 24th; and, being there detained till the King sent horses, we only got to Bidda at 6 P.M. on the 25th. The country between Wonagi and Bidda is all under cultivation; the shea-butter trees standing in the farms with just sufficient intervals between to avoid interference with the growth of the corn-crop below. Some distance outside the gates we were met by a mounted Chief and a party of horsemen, who saluted us, and led the way through the town to the King's residence, where we waited only a few minutes, and were then, without ceremony, ushered into the presence of the King. He was reclining on a mat, and had some spread for us, the custom here being to talk in this position; he said he merely wanted to see and welcome us, and as we must be tired he would not detain us, but would send to show us our quarters—a very sensible proceeding, of which we took immediate advantage and retired. I may here state that this day, and every day while we remained, the King sent food, both cooked and uncooked, sufficient for three times the number of our whole party, and he also sent cowries sufficient to defray all incidental daily expenses.

Next day we made an official visit, and His Majesty, without loss of time, went straight to the subject most interesting to him, and indeed to us. He said his father had seen white men at Rabbah, his brother also had seen them, and he himself had been visited several times; to both his predecessors and himself hopes had been held out of permanent trading establishments being formed in the country; but up to this time he had not seen any, and he did not know what to think. He said it was not his custom to deceive any one; the productions which he had before said his country afforded were still to be found, and his people were anxious to partake in the benefit they knew the Yoruba country derived from its trade with the white men. Dr. Baikie, acting as interpreter and spokesman, explained to him the reason why as yet no trading establishments had been made so high up as his country, and how the factories lower down the river, of which he had heard, had finally been withdrawn in consequence of the death of Mr. McGregor Laird; he assured the King that the attention of the people in England was more than ever directed to the countries on the Niger, and that there was little doubt that next year at least one expedition fitted out expressly for trade would ascend the river. He seemed so far satisfied with the explanation, and, alluding to the war in the Yoruba country, he said he was in favour of the Ibadans having direct road to Lagos; and he said when opportunity offered he would assist them: he added, however, that he thought if he kept a road open from his country to Ibadan, we should keep it open thence to Lagos. Nevertheless he maintained that the river is the safest and easiest route, and he urged us not to neglect it. He promised full protection now as far as the Confluence, and in a short time he hoped to be able to protect us efficiently as far as Idda; lower down we must manage ourselves. I learned that he can turn out 2,000 armed horsemen, and I saw reason to believe it. The walls of Bidda inclose a rectangular area of 3,000 by 2,500 yards or thereabouts; they are 7 to 8 feet high, with a ditch 10 feet wide, as many deep; the walls are in good repair. The population may be 70,000; the town does not occupy more than two-thirds of the inclosed space.

On the 28th we gave the King the presents; he examined each article, and at the end seemed much gratified. To-day it was settled that only loads made up in native fashion could safely be sent to the Rev. Mr. Hinderer at Ibadan, and these the King could not dispatch for some days to come; he promised, however, they should be sent the first safe opportunity. The two men who were to be left to take charge of them I instructed to make the best of their way from Ibadan through Ketu and Okeodan to Lagos.

This afternoon Commander Gambier, who had fever the day before, becoming worse, Dr. Baikie advised his immediate return to the vessel; and as the King would not hear of the whole party leaving, it was arranged that I should accompany him to the vessel next day, Dr. Baikie and Mr. Adlam remaining to receive the return presents and letter for Her Majesty and you which the King said he would write.

On the 29th at 7:30 we left Bidda, embarked in the boat at 10 A.M., and pulling all day with the current, arrived on board the "Investigator" at 7:45 P.M. Dr. Baikie and Mr. Adlam arrived on the afternoon of the 4th instant, the horses from the King arrived and were received on board safely on the afternoon of the 5th, and at 1 P.M. on the 6th anchored at Lukoja; observing that, although at Egga the river had fallen at least two feet, it had here risen about six inches. As the "Investigator" would go to-morrow to Gbebe to procure wood, I decided upon remaining with Dr. Baikie till the 9th, by which

time he would be ready with his despatches and letters. I had thus a few days to look around me at Lukoja; and the result of my observation is, that I consider it better adapted for the residence of Europeans than any other part in the Niger. The situation is dry and the water good; the soil is rich—corn, yams, sugar-cane, and other tropical productions growing luxuriantly with very little labour. Cotton of three varieties is indigenous, and is not grown in large quantities simply because there is no demand for it. This place possesses peculiar advantages for the establishment of trading factories, inasmuch as it is isolated, and free from the dangers and annoyances incident to living in a populous native town, ruled by a native Chief. Here Dr. Baikie has already established the nucleus of a British settlement: the people under his protection are all free, many of them having been redeemed by him; they have brought a considerable tract of land under cultivation, and the place seems perfectly self-supporting; in all disputes the people refer to him and abide by his decision. Massuba is willing to define a boundary within which British law should be administered; and if this was done, and the place managed with good sense and judgment, it would speedily become a most important centre of commerce and civilization. There, as elsewhere, the utmost caution would be necessary in dealing with runaway slaves seeking protection wherever possible; full value should be paid as redemption; but cases might arise in which the slave should be sent back to the master; for if the natives once see indiscriminate protection given to runaways, our position there would speedily become untenable.

On the 11th at 5:30 we left Gbebe on our way down; the Chiefs of the place would not sign the Treaty, referring the Commander to the Allah of Idda, at which place we anchored at 11:15 A.M., and the Commander, with the Rev. Mr. S. Crowther and others, having landed and ridden up to the town, it was found the King could not be seen for five days; so next morning we proceeded down the river, and arriving at Onitsha, a visit was made to the King, and he and his Chiefs having signed the Treaty, with the exception of the clause abolishing human sacrifices, which they said could not be done at once, the party returned on board. I observed that in this place though both oil and cotton is abundant, the natives were ignorant of the use of lamps, using instead, torches and lighted brands of resinous wood. At noon on the 13th, we were off Abo, and landing, found the town mostly under water, pulled through the town in the gig, and the old Chief Tchukuma having sent a boy, who spoke English, to welcome us, we called upon him, but finding no part of his house dry, he came into the boat, and talked a few minutes. He and Mr. Crowther were old friends, and from the latter I learned that Tchukuma has always been a steady friend to white men, and as far as he could protected the factory of Mr. Laird from the rapacity of the late King Aje; having procured a guide, we proceeded to the house of the King, which was in a very similar state to the rest. The King received us on the only dry spot there was; he was grotesquely dressed in a soldier's coat of the beginning of the century, a high red comical cap and green velvet breeches. He, however, talked sensibly; he was glad to see a ship off his town, as he feared the conduct of his predecessor Aje had given it a bad name. He said Aje was alone to blame for the plunder of Mr. Laird's factory, and he hoped as he was dead traders would again come to Abo; he assured us that during his rule both traders and missionaries would be protected; he readily signed the Treaty; and having given him his presents, which he received with great satisfaction, we took leave of him, and went on board. I sent a small present to Tchukuma, and the same day we got under weigh, and without communicating with any other place we arrived at the mouth of the river late in the day on the 14th. On the 15th, coal and wood was taken on board, and next morning crossed the bar, and arrived at Lagos on the 17th, without losing a man. The cases of fever we did have on board were, in my opinion, caused by exposure on shore, and the want of rest at night. I suffered only from a cold. The lower part of the Delta should always, if possible, be passed without stopping; higher up the river is as healthy as any other part of tropical Africa.

I am, &c.

(Signed) WM. Mc COSKRY.

AFRICA. (*Consular*)—*Bight of Biafra.*

No. 26.

Earl Russell to Consul Burton.

Sir,

Foreign Office, January 12, 1863.

I TRANSMIT to you herewith a copy of a letter from the African Association at Liverpool, inclosing copies of Agreements proposed to be entered into between Pepple, King of the Bonny country, on the one part, and Messrs. Foster and Chamerovzow on the other part, by which certain exclusive privileges of trade and navigation are to be granted to the latter in consideration of the sum of 20,000*l.*, to be paid by them to the King.

I have to acquaint you that I referred the papers in question for the consideration of the proper Law Officer of the Crown, and in conformity with his opinion I have to state to you that the Agreement, which restricts for the period of twenty years, to particular persons, the rights of navigating the River Bonny, and of placing exclusive trading establishments thereon, is at variance with the letter and the spirit of the VIth Article of the Treaty with the King and Chiefs of the Bonny of the 21st of November, 1848, which confers upon all Her Majesty's subjects the right of trading freely in all the rivers, places, and ports of that kingdom.

I have accordingly to desire that you will inform King Pepple that any privileges of trade or navigation which he may grant to Messrs. Foster and Chamerovzow and Viscount Thury will be claimed equally for all British subjects.

I am, &c.

(Signed) RUSSELL.

Inclosure 1 in No. 26.

The Vice-Chairman of the Liverpool African Association to Earl Russell.

My Lord,

African Association, Liverpool, December 18, 1862.

I HAVE been requested to forward to your Lordship the inclosed copies of Agreements proposed to be entered into between Pepple, King of Bonny, West Coast of Africa, and Messrs. John Foster and Louis Alexis Chamerovzow, of London, and Viscount de Thury, of Paris, by which it will be seen that exclusive trading privileges are proposed to be granted by the King to these parties. It is clear that such exclusive privileges will operate most prejudicially to the interests of all the other parties trading in that river. About 15,000 tons of palm oil are exported annually from that river to this country. Almost all this oil is brought down the creeks and rivers from the up-country, and such proposed trading-stations would, or might, effectually intercept this trade passing to the vessels trading in the river. It would also be very likely to lead to disturbances between the Native Chiefs and the persons living at such stations; and as some of the contracting parties are foreigners, it would probably lead to interference by the men of war of their respective countries, the result of which it is impossible to predict.

The proposed agreement would appear to be clearly at variance with the Treaty of the 21st November, 1848, concluded by this country with the King and Chiefs of the Bonny, and alluded to by Lord Palmerston in a letter to this Association, dated the 7th of November, 1849, viz. :—

Article VI. "The subjects of the Queen of England may always trade freely with the people of the Bonny in every article they may wish to buy and sell in all the places and ports and rivers within the territories of the Kings and Chiefs of the Bonny and throughout the whole of their dominions. And the King and Chiefs of the Bonny pledge

themselves to show no favour and give no privilege to the ships and traders of other countries which they do not show to those of England;—”

When the French Government attempted to obtain a Treaty by which English traders would have been effectually excluded, and no doubt the French Government would have endorsed the Treaty had it been made.

We consider it therefore highly important to draw your Lordship's attention to this matter in order that measures may be adopted to protect British interests in the Bonny.

I have, &c.

(Signed) THOMAS HARRISON, *Vice-Chairman.*

Inclosure 2 in No. 26.

Memorandum of Agreement made and entered into this 16th day of August, 1862, between Richard Thwaites, of Highbury Terrace, Islington, in the county of Middlesex, Esquire, Agent for and on behalf of King Pepple, of the Bonny, hereinafter called the said party hereto of the first part, and M. Etienne Vicomte de Thury, of 26, Rue de l'Université, Paris, in the Empire of France; John Foster, of 28, Queen-street, in the city of London, Gentleman, and Louis Alexis Chamerozow, of 27, New Broad-street, in the said city of London, Esquire, hereinafter called the said parties hereto of the second part: Witnesseth that the said party hereto of the first part agrees, on behalf of the said King Pepple, his heirs and successors, to grant to the said parties hereto of the second part the following privileges, that is to say:—

1st. THE exclusive right of way or navigation from above the town of Bonny for steamers and other vessels up, in, and through the River Bonny, which is the better of the two only practicable entrances into the Niger for the term of twenty years, from the 1st of January, 1863; such right, however, not to interfere with the rights of native traders to navigate the said river, or with the rights of the King and his successors to navigate the same.

2nd. The exclusive right of establishing trading stations on the banks of the said River Bonny above the town of Bonny, such right not to interfere with any rights of the King or his successors to establish stations to trade on his or their personal account, or in combination with any person or persons being the born subject or subjects of the said King or his successors, but not as agent for or in combination or co-partnership with any trade firm, company, person or persons whomsoever not born subjects of the said King or his successors.

And the said parties hereto of the second part agree that, upon proof being given to them in city of London of the ratification of this Agreement by the said King Pepple they will pay, within three months after such proof has been given as aforesaid, to the said King, or to his authorized agent or agents in that behalf, the sum of 20,000*l.*

And it is agreed and declared, by and between the parties hereto, that this Agreement and all stipulations herein contained is and are to become null and void in either of the following events:—

1st. If this agreement be not ratified by the said King within three months from the date hereof.

2ndly. If, upon such proof of the ratification thereof as aforesaid, the said parties hereto of the second part, or some or one of them, do not pay to the said King or his authorized agent or agents the said sum of 20,000*l.* within the time and manner aforesaid:

Provided always, and it is hereby further expressly understood and agreed between said parties hereto, that nothing herein contained shall exempt the said parties hereto of the second part from paying to the said King of Bonny and his successors such rates, tolls, customs dues, or other assessments in respect of their vessels, steamers, boats, and barges, or their freights, cargoes, or merchandize, or of the vessels, steamers, boats, barges, freights, cargoes, or merchandize of any person or persons, or company or companies for the time being claiming under the said parties hereto of the second part, or entitled to use the said right of way or navigation by virtue of this Agreement, or of any deed or deeds to be executed in pursuance thereof, as hitherto have been or shall be usually and from time to time levied and paid in respect of the vessels, steamers, boats, and barges, freights, cargoes, or merchandize of other parties passing into or up the said River Bonny as far or as high as the town and port of Bonny, or as the said King and his successors hitherto hath and have been, and now is or are entitled from time to time to

levy and enforce payment of in respect of such last-mentioned vessels, steamers, boats, and barges, freights, cargoes, and merchandize. And it is hereby agreed that ingress to and egress from the portion of the River Bonny the exclusive right of way or navigation whereof is the subject of this Agreement, from or to the sea, shall be only through the lower portion of the said river, passing the port and town of Bonny.

Provided also, and it is hereby declared, that every right of way, interest, and privilege whatsoever hereby provisionally agreed to be sold or assigned, is agreed to be so sold or assigned, and to be taken and accepted without any prejudice whatsoever, and entirely subject to all and every the vested rights or right, or interests or interest, of any third parties or party whatsoever in the premises, or any part thereof.

It is further agreed that, in case of the happening of either of the events on which this Agreement shall become so null and void as aforesaid, neither party shall have any recourse or claim whatsoever upon the other party in respect of the aforesaid Agreement. And particularly it is agreed that nothing herein contained shall in any manner render liable the said Richard Thwaites to any persons, or in any respect whatsoever. And lastly, it is hereby agreed that the words "the said party hereto of the first part" mean and shall include, as well the said King Pepple as his successors, and the words "the said parties hereto of the second part" mean and shall include, not only the said M. Etienne, Vicomte de Thury, John Foster, and Louis Alexis Chamerovzow, but also their heirs, executors, administrators, lessees, licensees, appointees, nominees, or assigns, and all persons lawfully claiming through or under them.

As witness the hands of the parties the day and year first above written.

(Signed)

RICHARD THWAITES.

THURY.

JOHN FOSTER.

LOUIS ALEXIS CHAMEROVZOW.

I, Pepple, King of the Bonny, do hereby ratify and confirm the above written Agreement.

As witness my hand this day of , 1862.

Witness:

I, William Webb Venn, jun., of London, Notary Public, by Royal authority, duly admitted and sworn, do hereby certify and attest unto all whom it may concern that the Agreement hereunto annexed under my official seal has been duly signed in my presence by Richard Thwaites, Esq., M. Etienne Vicomte de Thury, John Foster, Esq., and Louis Alexis Chamerovzow, Esq., the persons therein mentioned and described; so that full faith and credit may and ought to be given to the said Agreement in judicature and thereout.

In witness whereof I have hereunto set my hand and seal of office to serve and avail where needful, London, this twentieth day of August, one thousand eight hundred and sixty-two.

Quod attestor.

(Signed) W. W. VENN, Jun., Notary Public.

To all to whom these presents shall come, I, Pepple, King of the Bonny, send greeting:

Whereas by a Memorandum of Agreement bearing date the day of August, one thousand eight hundred and sixty-two, Richard Thwaites, of Highbury Terrace, Islington, in the county of Middlesex, as Agent for me, and on my behalf, agreed with M. Vicomte de Thury, John Foster, gentleman, and Louis Alexis Chamerovzow, Esquire, therein described, for the sale to them of the exclusive right of way or navigation through and of establishing trading stations on certain portions of the River Bonny as therein mentioned, and subject to the provisos and conditions therein contained for the term of twenty years, from the first day of January, one thousand eight hundred and sixty-three, in consideration of the sum of twenty thousand pounds, to be paid by the said last mentioned parties to me or my agents as therein mentioned, but the said Agreement was made subject to the ratification thereof by me, and was to be void in case I should not within twelve months after the date thereof ratify and confirm the same:

And whereas I have this day ratified and confirmed under my hand the said Agreement:

And whereas I am desirous of appointing my said Agent Richard Thwaites, of Highbury Terrace, Islington, in the county of Middlesex, to act as my attorney and for me and in my behalf in carrying out the said Agreement, and in doing all acts necessary, or which may become necessary for or in that behalf:

Now know all men by these presents that I the said Pepple, King of the Bonny, have made, constituted, and appointed, and by these presents do make, constitute, and appoint the said Richard Thwaites my true and lawful attorney, for me and in my name or otherwise to carry out, fulfil, and perform all and every the terms and conditions of the said hereinbefore recited Agreement, and to do all acts necessary for carrying out, fulfilling, and performing the same, and for my use and in my name to ask, demand, and receive, sue for, either at law or in equity, and recover the said sum of twenty thousand pounds, and all and every sum and sums of money whatsoever that are or is or will become due and owing to me of and from the said parties to the said Agreement, or any of them, or any person or persons whomsoever claiming under them, and on receipt or payment thereof, or of any part thereof, for me and in my name, proper receipts and discharges for the same to sign and deliver, and to do all other lawful acts and things in and about the premises as effectually as I could do the same if I was personally present :

And also for me and in my name, and as my act and deed, to sign, seal, deliver, and execute all or any deeds or deed which shall appear to him or which he shall be advised to be proper for effectually conveying and assuring the rights or privileges, or any of them mentioned in the hereinbefore recited Agreement, or for carrying out, fulfilling, or performing the said Agreement, and the terms thereof, and also to do or execute in or about the premises any other acts, deeds, matters, or things whatsoever, and to take and institute any actions, suits, and proceedings at law or in equity which he said Richard Thwaites shall deem proper or necessary to be done or executed by or on my part and behalf.

And all and whatsoever the said Richard Thwaites shall lawfully do in the premises I the said Pepple, King of the Bonny, do hereby agree to ratify and confirm.

In witness whereof I have hereunto set my hand and seal this day of
one thousand eight hundred and sixty-two.

Signed, sealed, and delivered by the above-named Pepple, King of the Bonny, in the presence of us.

Dear King Pepple,

6, Old Jury, London, August 21, 1862.

Your Agent, Mr. Richard Thwaites, called on us a short time since with reference to a proposal made by the Vicomte de Thury and some other gentlemen to purchase of you the exclusive right of way through and of establishing trading stations in the upper portion of the Bonny River. Mr. Thwaites informed us you were at present requiring a considerable sum of money, and we considered such an arrangement as the above would be advantageous to you, not only in meeting that requirement, but also that it would greatly extend the navigation through the lower part of the River Bonny, and proportionably increase your revenues from the Custom dues and tolls payable at the port of Bonny.

We therefore suggested that an Agreement should be drawn up between Mr. Thwaites and the parties with whom the arrangement was proposed, and after considerable negotiation the Agreement inclosed herewith has been come to and signed by Mr. Thwaites, on your behalf, and the other parties, subject however to its ratification by yourself.

You will at once observe that the Agreement in nowise interferes with your rights to trade as at present exercised.

We submit the terms of the Agreement with great confidence to your approval, and if, as we doubt not, you do approve, you will please act on the following instructions.

We send three signed Agreements, one of which is duly attested by Mr. Venn, the Notary Public of this city. At the foot of each Agreement there is appended a clause of ratification which you must sign, if you please, where we have marked your name, and let a witness sign his name and address where we have marked "A.B., of &c." When you have done this, please return two of the Agreements (the one attested by the Notary, and one of the others) to us by the next post. The third Agreement you can keep for your own satisfaction and use, and we also inclose for your use a plain copy of the Agreement.

It will be necessary, in order to carry out this Agreement, to appoint Mr. Thwaites your attorney for that purpose to receive the moneys payable, and execute the necessary deeds, &c.; and we herewith inclose also such power of attorney for your execution. Please execute it before two witnesses, who must sign their names and addresses where we have marked "A.B. and C.D., of &c."

We also inclose an authority to Mr. Thwaites to pay your necessary expenses in reference to the matter, and to pay the balance of the moneys to be received into Messrs. Gurney's bank, or any other bank or establishment you desire. Please sign this also, and fill up the blank left for the name of the bank or establishment.

In conclusion, we sincerely hope this scheme will meet your approbation, and that on your returning the papers all executed and signed by you, we may be able to carry it out successfully.

Awaiting your instructions, we are, &c.

(Signed) BEVAN AND WHITTING.

To Pepple, King of the Bonny.

Dear Sir,

I hereby authorize and request you out of any sum or sums of money to be received by you as my attorney, under or by virtue of a power of attorney I have this day executed enabling you to act in my behalf in carrying out the terms of Agreement between yourself and M. Etienne Vicomte de Thury and others, to retain and reimburse yourself all expenses to which you have or shall have been put with reference to the said Agreement and power of attorney, or the subject matter thereof, and also to pay to Messrs. Bevan and Whitting, my solicitors, all their costs, charges, and expenses in reference thereto respectively, and I request you to pay the balance of any such sum or sums to _____, of London, to my account.

Dated this _____ day of _____, 1862.

I am, &c.

Richard Thwaites, Esq.,
10, Highbury Terrace, Islington.

(Signed) KING OF THE BONNY.

No. 27.

Consul Burton to Earl Russell.—(Received January 23.)

(Extract.)

London, January 10, 1863.

I HAVE the honour to bring the following circumstances to your notice.

It would be uncalled for to prove by lengthy calculations that the Niger is the most promising of the four great African rivers. And it is hardly required to show that the malarious region at the mouth is rapidly traversed by means of steam, and that the upper regions are rendered undangerous by the use of quinine.

Still the work of exploitation remains. I need not enter into the history of previous explorations. Their failure, however, may easily be traced to a confusion of interests, scientific and naval, commercial and missionary. Promises were made to the natives which were never fulfilled, and at last the delight with which the advent of the white trader was hailed yielded to disappointment. Rivals in the Brass and Benin Rivers, jealous of the notice and of the subsidy bestowed upon the Niger, naturally did not attempt to allay the dissatisfaction of the Ibo (Eboe) peoples; the consequence has been bloodshed and waste of property as well as life.

There is little to be dreaded from the hostility of the villages on the lower course of the Niger. What they want is "comey," alias transit dues. Their claim is lawful as that of any European Custom-house, and it should be settled in a commercial and practical way by some official directly in the service of Her Majesty's Government. At the same time they might be warned against the machinations of the Brass traders, and these in their turn should be invited to co-operate in opening the Niger, a river to which they could so easily transfer themselves.

After these preliminary measures agents would be established at the following six stations, viz.:

1. On the Nun River at the mouth of the Akassa Creek.

2. Abo, at the head of the Lower Delta.

3. Anjama, at the head of the Upper Delta.

4. Onicha (Onitsha), midway between the sea and the Confluence.

5. Idda, on the left bank between Onicha and the Confluence.

6. The Confluence of the Kwora (Niger) and the Benin (Chad). Where sufficient water is found, hulks should be preferred to habitations on shore. Agents should be in duplicate for each station, one being in the river whilst the other is recruiting his health in Europe. I need hardly say that the selection of sober and honest men is of primal importance.

But these establishments must fail unless supported by a regular line of steamers, and the want of it may be laid down as the main cause of failure in the Niger. Flat-bottomed boats, drawing not more than $2\frac{1}{2}$ feet, could reach the Confluence even in the driest season, and make Rabba during the greatest part of the year. Of these "inter-colonials," one should make the voyage once every month or six weeks.

It is clearly impossible for any individual single-handed to undertake this extensive project with reasonable prospect of success; and though several companies are spoken of, they will hardly think of forming without a subsidy. The African Steam-ship Company might undertake the scheme, although their present charter forbids them to trade. A Negro Association at Sierra Leone, and a West African Trading Company at Liverpool, confine themselves to the coast. The most capable, perhaps, would be the Niger Navigation and Trading Company now in process of formation. Of a total capital of 100,000*l.*, they desire to raise without going to the public 50,000*l.*, and of this sum 20,000*l.* has, it is said, been paid in.

The sum of 4,000*l.* was expended for three years on the Niger, and 5,000*l.* on the Zambesi River in South-Eastern Africa. This sum total allowed for a reasonable time within which new river-boats would pay themselves, and, devoted to a monthly postal vessel communicating with the Confluence, would, I believe, at once form a Company.

I would conclude by soliciting your Lordship's attention to the advisability of limiting upon the Niger River the importation of arms, ammunition, and spirituous liquors. The coast tribes of the Bight of Biafra have been singularly demoralized by the latter, and the former would be used merely as implements for slave-hunting by the now half-armed tribes of the interior.

No. 28.

Mr. Layard to Consul Burton.

Sir,

Foreign Office, March 23, 1863.

I AM directed by Earl Russell to transmit to you the accompanying copies of a letter and its inclosures from Admiral Sir Baldwin Walker, &c.,* relative to the conveyance by the British schooner "White Mouse" of African labourers from the Brass River to Fernando Po.

There are strong suspicions that the men taken to that island were slaves, and that a traffic in negroes is carried on between the mainland and Fernando Po, under the guise of introducing free labourers.

I am to desire that you will furnish his Lordship with a full report of the circumstances under which the negroes in question were introduced into Fernando Po; and I am further to desire that you will inform his Lordship what foundation there may be for the report referred to in Commander Douglas's letter of the 2nd December last, that it is the intention of the Spanish authorities to establish a system of free emigration from Africa to the Colony of Fernando Po; and, should the report be well founded, in what manner it is intended to carry it into effect.

I am, &c.

(Signed) A. H. LAYARD.

No. 29.

Consul Burton to Earl Russell.—(Received June 10.)

My Lord,

Lagos, May 8, 1863.

I HAVE the honour to inform you that I landed at this place on the 22nd ultimo, for the purpose of obtaining a cruiser to visit the Oil Rivers, and have addressed a requisition to Commodore Wilmot to that effect.

On the 2nd May the Commodore informed me that at present no cruiser can be spared, but that he will place one at my disposal when opportunity offers. The generally disturbed state of the coast causes me to fear a long period of inactivity.

I have, &c.

(Signed) RICHD. F. BURTON.

No. 30.

Earl Russell to Consul Burton.

Sir,

Foreign Office, June 23, 1863.

I TRANSMIT to you herewith, for your information, copy of a despatch from Commodore Wilmot,† reporting the particulars of his visit to the King of Dahomey in the months of December and January last.

* Class A, No. 107.

† Ibid., Nos. 103.

Although Commodore Wilmot did not succeed in getting the King to give up the Slave Trade, or to make any promise that he would desist from his barbarous massacres or customs, Her Majesty's Government are of opinion that it will on every account be advisable to cultivate the friendly relations which have been established between the British authorities on the coast and the King; for it is only by personal intercourse with the Dahomian Chief that we may hope to persuade him to give up his human sacrifices, and to turn his energies to the development of the resources of his country.

You will see from Commodore Wilmot's report, that he led the King to expect that he would either return himself to Abomey at the expiration of six months, or that he would be visited by some other officer deputed by Her Majesty's Government to confirm the friendly and conciliatory messages of which the Commodore was the bearer. It has been determined that the expectations thus held out to the King shall not be disappointed; but as the important duties devolving upon the senior officer on the African station will not permit of his absenting himself from his command, it will not be possible for Commodore Wilmot to return to Dahomey.

Under these circumstances Her Majesty's Government, having every confidence in your judgment, discretion, and knowledge of the African character, have determined to intrust to you the duty of making known their views to the King and Chiefs of Dahomey; and I have accordingly to desire that you will hold yourself in readiness to proceed to Abomey as soon as possible after the arrival on the African coast of the packet which will leave this country with the African mails on the 24th of July next.

You will receive by that opportunity further and detailed instructions for your guidance, together with such presents as it may be deemed advisable to make to the King, and in the meanwhile it will perhaps be expedient that you should announce through the authorities at Whydah that you will shortly proceed on a mission to Abomey.

I have requested the Lords of the Admiralty to give directions that you may be conveyed in a ship of war to and from Whydah, but that the journey to Abomey should not be undertaken till the close of the rainy season.

Your instructions will be forwarded to you at Lagos, at which place it will be desirable that you should wait the arrival of the next mail.

I am, &c.
(Signed) RUSSELL.

No. 31.

Mr. Layard to Consul Burton.

Sir,

Foreign Office, June 23, 1863.

WITH reference to your despatch of the 18th of December last, I am directed by Earl Russell to transmit to you a copy of a letter signed by certain Chiefs and traders in the Bonny River, complaining that the trade in that river has suffered greatly in consequence of the refusal of Her Majesty's Government to recognize the new Tariff proposed by King Pepple to be levied upon all vessels trading in that river, and requesting to be informed why Her Majesty's Government refuse to sanction the levying of dues from the African Steam-Packet Company's hulk anchored in that river.

I am to instruct you to inform the Bonny Chiefs, in reply to their letter, that Her Majesty's Government see no reason to alter the decision already come to regarding the Tariff and the demand made by them for duties on the African Steam-Packet Company's hulk. If the Bonny Chiefs wish to increase the revenue of the river, the wisest course to pursue will be to take proper steps for increasing the quantity of oil and other native produce, by which means they will obtain a larger trade and an increased revenue.

I am, &c.
(Signed) A. H. LAYARD.

Inclosure in No. 31.

Chiefs of Bonny River to Earl Russell.

Sir,

Bonny Parliament House, May 5, 1863.

WE, Bonny Chiefs and traders, say, firstly, that it is necessary that you should sign and pass the new Tariff, as the natives in the interior will not be bound by any laws, nor will they make roads, nor anything else that is wanted to improve oil coming down, until

yearly presents are sent down to them by the King Pepple, that is the reason why King Pepple has made the dues higher, and last year canoes were sent to Eboe to ask them why oil did not come up: the Eboe Chiefs killed a great number of the men, and said they had not received their yearly presents; unless you sign the new Tariff oil cannot come up as before. Secondly, that the African Steam-Packet Company's hulk was in this river about two years, and sold coals to Captain Straw, Charles Horsfall and Son's agent, for their steamer; also a great quantity to one Spanish steamer. What reason, and why you say they must not pay?

Please to send your reply to Richard Thwaites, Esq., who will immediately forward it to us.

A letter nearly the same as this is sent, per this mail, to the Liverpool African Association.

We are, &c.
Principal Chiefs names,
(Signed) MANILLA PEPPE, his X mark.
ANNIE PEPPE, his X mark.
ADDA ALLISON, his X mark.

No. 32.

Earl Russell to Consul Burton.

Sir, *Foreign Office, July 23, 1863.*
WITH reference to my despatch of the 23rd ultimo, instructing you to hold yourself in readiness to proceed on a Mission to the King of Dahomey, I have now to acquaint you that the presents with which you will be entrusted for the King, and the instructions for your guidance, will be forwarded to you by the packet which leaves Liverpool with the African mails on the 23rd of August, and you will therefore make your arrangements accordingly.

I am, &c.
(Signed) RUSSELL.

No. 33.

Consul Burton to Earl Russell.—(Received August 14.)

My Lord, *Bonny River, June 27, 1863.*
I HAVE the honour to inform you that I have addressed King Pepple to the effect that according to the tenor of his Treaty engagements with Her Majesty's Government (21st November, 1848), he is not justified in granting exclusive privileges to any Company or foreign Power whatever.

Sundry irregularities have been brought to my notice by the Court of Equity, Bonny River, which, when forwarded to me in writing, shall be submitted to your Lordship.

I have, &c.
(Signed) RICHD. F. BURTON.

No. 34.

Earl Russell to Consul Burton.

Sir, *Foreign Office, August 20, 1863.*
YOU were informed by my despatch of the 23rd of June last, that you had been selected by Her Majesty's Government to proceed on a mission to the King of Dahomey to confirm the friendly sentiments expressed by Commodore Wilmot to the King on the occasion of the visit which he made to that Chief in the months of December and January last.

I have accordingly to desire that as soon after the receipt of this despatch as it may be feasible to do so, you will proceed to Dahomey, taking care first, by previous communication with the King, to ascertain that a proper reception will be accorded to you.

You will on your arrival inform the King, that the many important duties which devolve on Commodore Wilmot as the officer in command of Her Majesty's naval forces

on the African coast, have prevented him returning in person to confirm the good understanding which it is hoped has been established between the King and Her Majesty's Government by the Commodore's late visit. You will state that the Commodore faithfully reported all that passed between him and the King, and that he correctly made known the wishes and feelings of Her Majesty's Government on the several topics on which he addressed the King.

With regard to the question of the export of slaves from his territories, you will not fail to impress upon the King the importance which Her Majesty's Government attach to the cessation of this Traffic.

Her Majesty's Government admit the difficulties which the King may find in putting a stop to a trade that has so long existed in his country, and from which his ancestors have derived so much profit; but his income from this source must be very small compared with that of former Kings, and it will be to his interest to find out some other source of revenue before that which he now derives from the sale of his fellow-men to the slave-dealers is entirely put a stop to.

You will remind the King that he himself suggested to Commodore Wilmot that if we wished to put a stop to the Slave Trade, we should prevent white men from coming to buy slaves, and you will state that Her Majesty's Government having determined that the Traffic shall cease, will take steps to prevent effectually the export of slaves from his territories. You will add, in illustration of what you state, that Her Majesty's Government have concluded a Treaty with the United States' Government, which will prevent for the future any American vessels from coming to ship slaves.

With regard to human sacrifices, I rejoice to find from Commodore Wilmot's Report that the number of victims at the King's customs has been exaggerated.

It is to be feared, however, that much difficulty will be experienced in prevailing upon the King to put a stop entirely to this barbarous practice, which prevails more or less openly along the greater part of the Western Coast of Africa. But we must seek, by whatever influence we may possess or be able to attain, to mitigate, if we cannot at once prevent, the horrors of these customs, and I rely upon your using your best efforts for this purpose.

The King in his interview with Commodore Wilmot expressed a wish that English merchants should come and settle and make trade at Whydah, and he offered to help to repair the old English fort there, and to permit it to be garrisoned by English troops.

You will thank the King for this mark of his confidence, and you will at the same time state that, as he has promised to protect any British merchants who may settle at Whydah, Her Majesty's Government put entire faith in his promises, and see no necessity for sending English soldiers to garrison the fort there. You will, however, add that there is one thing needful in order that the King's wishes in regard to the settlement of English merchants at Whydah should be carried out, and that is, that there should be a sufficiency of lawful trade to induce them to do so.

English merchants cannot take slaves in return for their goods; they must have palm oil, ivory, cotton, and such other articles as the country is capable of producing. The King will see, therefore, that it very much depends on his own exertions and those of his subjects whether it will be worth while for British merchants to settle at Whydah. Should, however, the King think fit to enter into an engagement with Her Majesty's Government to encourage lawful trade, and to promote as far as lies in his power the development of the resources of his country, Her Majesty's Government would be willing to appoint an agent to reside at Whydah to be an organ of communication with the King, and to assist in carrying out his views.

As an earnest of their friendly feelings, Her Majesty's Government have caused the presents, of which a list is inclosed, to be prepared and forwarded to you for presentation to the King. You will see that, as far as possible, the King's wishes, as expressed to Commodore Wilmot, have been carried out in regard to the articles selected for presents, with the exception of the carriage and horses, and with respect to these you will explain to the King that, in the first place, it would be a difficult matter to get English horses out to the coast, and, even supposing they arrived safely at their destination, it would be very doubtful, from the nature of the country and climate, whether they would long survive their arrival.

If, however, our future relations with the King should be of a nature to warrant such a proceeding, Her Majesty's Government would not hesitate to endeavour to comply with his wishes by sending him an English carriage and horses.

I have only, in conclusion, to add, that it has been suggested to Her Majesty's Government that, among the King's captives, there may still be some of the coloured Christian prisoners taken at Ishagga; and if, on inquiry, you should be able to ascertain

that this is the case, you will state to the King that it would be taken by Her Majesty's Government as an earnest of his friendly feeling, and as showing a desire to perform his promise to them, if he would restore these prisoners to liberty.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 34.

*List of Presents forwarded to Consul Burton by Packet of the 24th of August, 1863,
for Presentation to the King of Dahomey.*

ONE 40-feet circular crimson silk damask tent, with poles, complete (contained in two boxes).

One coat of mail, and gauntlets.

Contained in one deal case, addressed to Captain Burton, Her Britannic Majesty's Consul for the Bight of Biafra, West Coast of Africa:—

One richly-embossed silver pipe, with amber mouth-piece, in morocco case.

Two richly-embossed silver belts, with lion and crane in raised relief, in morocco cases.

Two silver and partly-gilt waiters, in oak case.

No. 35.

Earl Russell to Consul Burton.

(Extract.)

Foreign Office, August 20, 1863.

WITH reference to my other despatch of this day's date, containing instructions for your guidance on proceeding to Dahomey, I have to state that you should, if possible, stipulate with the King, before proceeding to Abomey, that there shall be no human sacrifices during the time of your stay in his capital; and you will, under any circumstances, decline to sanction these sacrifices by your presence if they should unfortunately take place whilst you are in the country.

I have requested the Lords Commissioners of the Admiralty to give directions that you may be conveyed to and from Whydah in a ship of war; and I have also informed their Lordships that it would be advisable that a medical officer should accompany you, if one can be spared from Her Majesty's ships for this purpose.

No. 36.

Earl Russell to Consul Burton.

Sir,

Foreign Office, November 21, 1863.

I TRANSMIT to you herewith copies of a letter and its inclosures from the Liverpool African Association, from which it would appear that King Pepple has proceeded to enforce his project of levying a largely increased Comey or Customs duties on vessels trading in the Bonny River, and that he has stopped the trade of the river until such increased duties are paid. You will perceive also from the letter from Mr. Thwaites to King Pepple, which forms one of the inclosures in the Liverpool African Association's letter, that this office is quoted as having acknowledged that Chief's right to enforce payment of the increased dues, if he is able to do so.

I have to acquaint you that there is no foundation whatever for this statement of Mr. Thwaites, and you will give Pepple distinctly to understand that he will not be allowed to levy any higher or other duties than those sanctioned by the Treaty of the 3rd of October, 1850, unless he shall have previously obtained the sanction of the British traders in the river.

I am, &c.
(Signed) RUSSELL.

Inclosure 1 in No. 36.

*Mr. Cooper to Earl Russell.**Liverpool African Association, 3, Brown's Buildings,
Liverpool, November 12, 1863.*

My Lord,

I AM instructed by the Liverpool African Association to forward to your Lordship copies of two letters received from Bonny by the last mail, that your Lordship may be informed of the uses to which the name of the Foreign Office has been applied, doubtless without the authority or cognizance of that Department.

It appears to this Association that the closing of the trade of the River Bonny to enforce his demands for a largely increased Comey or Customs duty is in direct violation of the Treaty of the 3rd of October, 1850, made by King Pepple with this country, and is certain to result in serious injury to the trade, and loss to British interests generally (it is especially an injustice to those traders who had paid the usual Comey previous to these increased demands of King Pepple, and who are now prevented from loading their ships); and I am further instructed to request that your Lordship will be pleased to direct such representations to be made to King Pepple, through the Consul or otherwise, as will prevent him from persevering in his unreasonable demands, and stopping the course of legitimate commerce, as this Association cannot suppose the line of proceeding he has adopted can be either countenanced or approved of by your Lordship.

I have to express the hope that this matter will receive your Lordship's early attention, and that I may be favoured with a reply in time to enable the Association to communicate with its agents at Bonny by the mail leaving Liverpool on the 23rd instant.

I have, &c.

(Signed) J. B. COOPER, *Secretary.*

Inclosure 2 in No. 36.

King Pepple to the West African Association, Liverpool.

Sir,

Bonny, October 5, 1863.

I RECEIVED copy of your letter sent to the Chairman of the Court of Equity here, dated Liverpool, 24th August, 1863, in which you state that you cannot recommend the new Tariff to Earl Russell as deserving of his sanction, &c., but I inclose you copy of a letter which will explain itself.

I am, &c.

(Signed) PEPPLE, *King of the Bonny, &c.*

Inclosure 3 in No. 36.

Mr. Thwaites to King Pepple.

My dear King,

10, Highbury Terrace, London, April 22, 1863.

FOREIGN Office say, if you be strong enough you must make the merchants pay you the new Tariff; you have a right to do so! All join with me in kind regards and love to George.

Believe me, &c.

(Signed) RICHARD THWAITES.

No. 37.

Consul Burton to Earl Russell.—(Received December 12.)

My Lord,

Fernando Po, October 27, 1863.

I HAVE the honour to acknowledge receipt of your despatches of 23rd June, 23rd July, and 20th August, conveying to me the gratifying intelligence that you have honoured me with a mission to Dahomey, and forwarding directions for my guidance.

With respect to the list of presents I would submit to you, that although those named are sufficient for the King, I shall be compelled to lay in at Whydah a certain provision of cloth and rum as "dash" to the Ministers and Amazons.

I will endeavour as much as possible to carry out your Lordship's wishes expressed in letter of 20th August, 1863, namely, that there shall be no human sacrifice during my stay at the capital. But there is little probability of success: it will be only after many interviews that I may be able to persuade the King to substitute bestial for human victims. Of course I shall refuse to witness the brutalities of the "customs," which have, I regret to say, been lately sanctioned by the presence of Europeans.

Her Majesty's steam-ship "Antelope," Lieutenant-Commander Allingham, has been ordered to convey me to Whydah, and I have to thank Commodore Wilmot for facilitating in every way my mission. The cruiser is expected here on November 20th, and it would be unadvisable to visit Agbomey before early December, the season having been exceptionally rainy in the Bights. Indeed, the rains have not yet ended.

I have, &c.
(Signed) RICHD. F. BURTON.

No. 38.

Mr. Layard to Consul Burton.

Sir, *Foreign Office, December 22, 1863.*
I AM directed by Earl Russell to transmit to you a copy of a letter from the African Merchants' Company, stating that it is their intention to establish a commercial house at Whydah for the purpose of carrying on legitimate trade with Dahomey, and they propose to appoint Mr. Craft, a man of colour, as their agent at that place. I have accordingly to instruct you to inform the King of Dahomey that the Company of African Merchants are desirous of establishing lawful trade with his subjects, which cannot fail to benefit him and his people; and you will express the hope that the King will afford Mr. Craft his protection and support in carrying out the operations of the Company.

I am, &c.
(Signed) A. H. LAYARD.

Inclosure in No. 38.

Mr. Fitzgerald to Earl Russell.

*Company of African Merchants, 8, Adelphi Terrace,
London, December 16, 1863.*

My Lord,
THE Company of the African Merchants, Limited (London and Liverpool), are most desirous to assist by every means consistent with sound mercantile principles in carrying out the views of Her Majesty's Government for the suppression of the Slave Trade, and the extension of legitimate commerce in Western Africa.

Believing that there is now an opening at Whydah for direct legitimate commercial relations with England, and that by means of a resident agent there, the King might be strongly influenced toward entering upon a new and more satisfactory course than that he has hitherto pursued, the Company have engaged with Mr. William Craft to represent them at that place. Mr. Craft is the person of colour who, following Commodore Wilmot's most beneficial visit, was soon after so favourably received by the King of Dahomey, and invited by him to commence business at Whydah. Mr. Craft will take charge of the Company's goods, and conduct their business at Whydah under arrangements which make him a participator in all profits to be thence derived.

As it is important that every precaution should be taken to make this effort at legitimate trade with Dahomey permanent and successful, the Company beg leave to solicit from your Lordship such letters to the King of Dahomey and to the British authorities on the coast in favour of Mr. Craft, as shall insure that protection to British subjects and property which your Lordship is ever so ready to accord.

Mr. Craft will leave England for Whydah by the mail packet of the 24th instant.

I have, &c.
(Signed) F. FITZGERALD, *Secretary.*

BRAZIL.

No. 39.

Earl Russell to Mr. Christie.

Sir, *Foreign Office, January 8, 1863.*
WITH reference to your despatch of the 24th of November last, inclosing a copy of the Regulations issued by the Brazilian authorities for the government of the free Africans at the naval establishment of Itapura, I have to instruct you to take such measures as you may deem best calculated for ascertaining whether among the Africans in that establishment there are any who were liberated through the late British and Brazilian Mixed Commission Court.

Should there be any negroes in this category, you will state that Her Majesty's Government are bound to see that faith is kept with them; and you are consequently instructed to claim from the Brazilian Government their unconditional freedom.

The effect of the Regulations recently issued for the government of the negroes at Itapura, is practically to consign to six years' forced servitude men, women, and children, who are free according to the showing of the Brazilian authorities themselves; and the Government of Her Majesty are consequently bound to require that those Africans who were liberated under British auspices, shall not be subjected to the Regulations in question.

I am, &c.
(Signed) RUSSELL.

No. 40.

Mr. Christie to Earl Russell.—(Received January 21, 1863.)

My Lord, *Rio de Janeiro, December 15, 1862.*
I INCLOSE a copy of a note which I have addressed to the Marquis of Abrantes, in obedience to your Lordship's instructions in your despatch of November 8, to remind him of my many notes, long unanswered, about the free blacks.

I have, &c.
(Signed) W. D. CHRISTIE.

Inclosure in No. 40.

Mr. Christie to the Marquis of Abrantes.

M. le Marquis, *Petropolis, December 8, 1862.*
HER Majesty's Government have desired me once more to remind you of my many notes long unanswered, from two years and a-half to a year and a-half old, of which I urgently reminded Senhor Taques in two notes addressed to him on the 17th of April, on the subject of the free blacks handed over to the Brazilian Government by the Mixed Commission Court under the provisions of the Treaty of 1826.

Her Majesty's Government desire me to say on this occasion that the Africans have all served more than the time prescribed by the Brazilian Legislature for their apprenticeship, and are therefore incontestably entitled to their unrestricted freedom, and that, as they were emancipated under the conjoint auspices of the British and Brazilian Governments, Her Majesty's Government feel themselves in duty bound to see that faith is kept with them.

I avail, &c.
(Signed) W. D. CHRISTIE.

No. 41.

Mr. Christie to Earl Russell.—(Received February 23.)

My Lord,

Rio de Janeiro, January 24, 1863.

IN a valuable article in the "Revue des deux Mondes" of the 15th of July of last year, on "Brazil and Colonization," is the following passage relating to the "free Africans," on which I have had occasion to write so much to your Lordship, and on which it is impossible to extort information from the Brazilian Government:—

"These agents" (*i.e.*, the parties to whom free Africans were assigned as apprentice labourers) "were themselves planters who received on their properties the negroes newly enfranchised, made them work like slaves, and in order to save themselves from the embarrassment of restoring them to liberty took care to exchange names between them and old labourers or invalids. Whenever one of these last died, they put one of the newly arrived blacks in his place on the list of deaths, and in this manner they kept their accounts right with the Government, who goodnaturedly closed their eyes to these malpractices."

It is a matter of common statement and belief that numbers of free Africans have in this way passed into slavery.

I mentioned this to your Lordship in a despatch dated the 27th May, 1861, which is printed at page 44 of the Slave Trade Correspondence, Class B, of that year, and I then pointed out that this was probably one of several reasons why we could not obtain from the Brazilian Government the information which has been so often asked for as to these blacks consigned to their care on a guarantee of freedom under Treaty with Great Britain.

It is not only that notes of mine asking for such information written two years and a-half ago yet remain unanswered, it is not only that a note written by your Lordship's express direction on the 18th of March, 1861, asking for a list of the free blacks yet remains unanswered, but similar demands have been made by the British Government since 1851, when Mr. Hudson was Minister, and they have always been evaded.

I have, &c.

(Signed)

W. D. CHRISTIE.

No. 42.

Mr. Christie to Earl Russell.—(Received April 6.)

My Lord,

Rio de Janeiro, February 26, 1863.

IN a report which I made to your Lordship not very long after my first arrival in this country, on the 5th of August, 1860, and which is printed in the Slave Trade Correspondence, Class B, presented in 1861, I gave the opinion, founded chiefly on communications made to me by a well-informed and intelligent Brazilian, that the slave population in Brazil had probably not been diminished since the cessation of importation, and that it was even slightly increasing. I have constantly paid such attention as I could to this subject, and am disposed to conclude, after inquiries and observations made during the subsequent two years and a-half, that the opinion which I was first led to form is not correct, and that the slave population is decreasing, though not very considerably. The mortality among the children of slaves is very great; and Brazilian proprietors do not appear to have given nearly so much attention as might have been expected, from obvious motives of self-interest, to marriages among slaves, or the care of mothers or children.

There are no statistics as to the slave population, and Government does not seem to care to have them.

On two cardinal points on which I early expressed decided opinions to your Lordship, my opinions remain unchanged: there is no possibility of a revival of Brazilian Slave Trade; and there is no sign of effort or preparation for the abolition of slavery.

I have, &c.

(Signed)

W. D. CHRISTIE.

Mr. Christie to Earl Russell.—(Received April 6.)

(Extract.)

Rio de Janeiro, February 26, 1862.

ON receipt of your Lordship's despatch of January 8, having no doubt of the fact that among the Africans at Itapura are free Africans liberated by the Anglo-Brazilian Mixed Commission of Rio de Janeiro, I have thought it best to address to the Marquis of Abrantes the note of which I inclose a copy. The attention of the Brazilian Government is, I have reason to believe, seriously turned to this subject of the free Africans.

Itapura is very distant from Rio, and is most easily arrived at by a circuitous voyage to the River Plate, and up the Rivers Paraná and Paraguay, and through Mattogrosso. The expense of sending an individual there to make inquiries on the spot would probably not be less than 200*l*.

Inclosure in No. 43.

Mr. Christie to the Marquis of Abrantes.

M. le Marquis,

Petropolis, February 12, 1863.

HER Majesty's Government have carefully considered the Regulations published by the Minister of Public Works under date of the 5th of November, 1862, for the free Africans employed in the naval establishment of Itapura.

Her Majesty's Government are yet without accurate information as to the number of free Africans employed at Itapura who were liberated by the British and Brazilian Mixed Commission Court.

I have again to call your Excellency's attention to the following notes addressed by me to your predecessors, referring to free Africans at Itapura:—December 19 and 28, 1860, January 10, 1861, to Senhor Sinimbú; June 3, 1861, to Senhor Sá e Albuquerque. I abstain from mentioning unanswered notes of mine asking for general information about free Africans, which of course include those employed at Itapura.

Her Majesty's Government instruct me to say that, with respect to Africans liberated by the late Mixed Commission Court of Rio de Janeiro, they are bound to see that the Brazilian Government keep faith with them; and I am instructed to claim for all such Africans unconditional freedom.

Her Majesty's Government are of opinion that the effect of the new Regulations for the Government of Negroes in the Itapura establishment, is practically to consign to forced servitude for six years men, women, and children who are free according to the showing of the Brazilian authorities themselves; and Her Majesty's Government consequently feel themselves bound to require that these Africans, who were liberated under British auspices, shall not be subjected to the Regulations in question.

I avail, &c.

(Signed) W. D. CHRISTIE.

No. 44.

Mr. Christie to Earl Russell.—(Received April 6.)

My Lord,

Rio de Janeiro, March 5, 1863.

WITH reference to my preceding despatch dated the 21st ultimo, I inclose translation of a note which I have received from the Marquis of Abrantes, on the subject of the new Regulations of the naval establishment of Itapura, the application of which to free Africans liberated under British auspices I protested against under your Lordship's instructions; and I also inclose a copy of a further note which I have addressed to the Marquis of Abrantes in rejoinder.

I have made no remarks in my reply on the explanations offered as to the Regulations, which I leave entirely to your Lordship's judgment. But I thought it well to point out to the Marquis, in reply to his remarks on the danger of wholesale sudden emancipation, that, had the Imperial Government done their duty, and attended to the representations of successive British Ministers, all might by this time have been made free by gradual measures, and that the object of the fourteen years' apprenticeship, which all have now served, was to prepare for full freedom.

Your Lordship will observe that on this occasion I have received a sufficiently prompt answer. Since the reprisals the Marquis of Abrantes has become very prompt in answering.

I have, &c.
(Signed) W. D. CHRISTIE.

Inclosure 1 in No. 44.

The Marquis of Abrantes to Mr. Christie.

*Ministry of Foreign Affairs, Rio de Janeiro,
February 28, 1863.*

(Translation.)

MR. WILLIAM DOUGAL CHRISTIE, &c., in his note of the 12th instant, calls my attention to various notes which he addressed to my predecessors on the subject of free Africans employed in the naval establishment of Itapura, and particularly respecting the instructions sent on the 6th of November last by the Ministry of Agriculture, Commerce, and Public Works, for the administration of the said Africans employed in that establishment.

In the same note Mr. Christie declares that he has been instructed by his Government to claim unconditional liberty in favour of the Africans who were freed by the last Mixed Commission.

In reply to this note; I now transmit to Mr. Christie the information which I received from the Minister of Agriculture relative to the said instructions.

Before doing so, however, I have to assure Mr. Christie that the Imperial Government, with the greatest earnestness and solicitude, studies the question of the free Africans, and is collecting all the necessary information, in order to proceed with all such discretion and prudence as the case requires. It cannot escape the perspicuity of Mr. Christie, that serious inconvenience and dangers might result from letting loose at once among the population, without certain precautions, a large number of uneducated individuals, and without experience to guide them.

From the information above referred to, the result is, that the instructions of the 6th of November had in view the guaranteeing of the future existence of the free Africans of the establishment of Itapura, and of enabling them to become useful and morigerous citizens, habitually prone to work; they being to that end subjected to military discipline, and made equal to the military colonists of the third class existing in that same establishment.

For that reason pecuniary advantages were granted them, and the right to a portion of land, after six years of good services, this being the term in which not only the soldiers, volunteers from the army, and even the medical men and apothecaries of the Body of Health, are obliged to serve.

In the position thus prepared for those individuals, and in which they meet with the means of subsistence and the advantages of military colonists, the Imperial Government judged that the interests of these same individuals were reconciled with the necessary guarantees in favour of the society in which they live, against the dangers with which it would be menaced if they were to have been abandoned to their own discretion.

The instructions recognize the full and absolute right of those Africans to their liberty, and they recognize it in designating them as free Africans; declaring, in the 8th Article, that they have a right to the letter of emancipation, and ordering that, besides rations and clothes, which are furnished them, they are to be paid for their work.

And if, besides the time during which they have to serve in compensation of the advantages conferred upon them, proofs of good services and good behaviour are exacted for the delivery of their letters of freedom, the principle is only observed which prevails also in the army, when soldiers are punished for infractions of the Military Regulations with the loss of time of their previous services.

On this point the instructions agree with the general principles of the military legislation.

It is proper still to note that the Regulations of the garrisons and military Colonies of the Empire contain the same provisions as the instructions.

These are the elucidations which it behoves me to bring to the knowledge of Mr. Christie, and which appear to be sufficient to show that the individuals in question do not remain, by those instructions, subject to forced slavery.

I renew, &c.
(Signed) MARQUIS OF ABRANTES.



BRAZIL.

Inclosure 2 in No. 44.

Mr. Christie to the Marquis of Abrantes.

M. le Marquis,

Petropolis, March 4, 1863.

I HAVE received your Excellency's note of the 28th ultimo, giving explanations, in reply to mine of the 12th, as to the Regulations to which free Africans have been lately subjected in the naval establishment of Itapura.

I shall lose no time in forwarding a copy of your note to Earl Russell, and Her Majesty's Government will judge whether these explanations suffice to show that the condition of the free African under the Regulations in question is not one of forced servitude.

I restrict myself to remarks on some general propositions of your Excellency.

You say that the Imperial Government are attending to the question of the free Africans, and are collecting all the necessary information in order to act with the judgment and prudence required; but you do not say that they have been collecting information in order to communicate it to Her Majesty's Government, in compliance with the particular request which I addressed to Senhor Paranhos on the 18th of March, 1861, that is, two years ago.

You speak of the inconveniences which may follow from a general sudden emancipation of the free Africans, who are without education and experience. Let me remind your Excellency that Her Majesty's Government have been urging this question on the Government of the Emperor from time to time, and in various ways, for the last thirteen years, and that similar language was held in 1856 to Mr. Scarlett by Senhor Paranhos, who at the same time declared that it was the intention of the Imperial Government to give all these free Africans their freedom. Had the interval been well employed in gradual emancipation, all might now be free. As it is, every free African who was liberated by the British and Brazilian Mixed Commission Court must have served more than fourteen years. And what was the object of this fourteen years' apprenticeship, but to train them for the full enjoyment of freedom?

I can perfectly understand that the labour of these free Africans is cheap and serviceable to the Imperial Government at Itapura and elsewhere.

I take occasion to remind your Excellency that in 1860 and 1861 Senhor Sinimbu promised me on several occasions that no more free Africans should be sent to Itapura from Ypanema. Since then all my efforts to obtain particular information have been fruitless. It will be satisfactory to Her Majesty's Government to be assured that no free Africans were sent to Itapura from Santos or Ypanema after July 1860.

I need not tell your Excellency that the journey to Itapura is long and tiresome, that the place is notoriously unhealthy, and that such a destination is not likely to be chosen by free men.

I avail, &c.

(Signed) W. D. CHRISTIE.

No. 45.

Mr. Eliot to Earl Russell.—(Received May 6.)

My Lord,

Rio de Janeiro, April 3, 1863.

I HAVE the honour to inclose translation of an article which appeared in the "Diario" of Rio de Janeiro on the 2nd instant, showing the difficulties thrown in the way of the free Africans obtaining their liberty; difficulties which, as it appears, render it almost impossible for these unfortunate people to obtain that result unless powerfully protected.

I have, &c.

(Signed) W. G. CORNWALLIS ELIOT.

Inclosure in No. 45.

Extract from the "Diario" of April 2, 1863.

(Translation.)

A NAME is a word by which things are expressed, according to Padre Antonio Pereira de Figueiredo and other simple-minded people of that age.

In Brazil, however, this note has its exceptions, exceptions very ironical and satirical as regards our "free institutions," if such they be.

The law which prohibited the traffic in human flesh declared free all the Africans taken from that time, providing for the protection of the rights of these unhappy creatures, giving them judges, guardians general, and special and temporary, and clerks : the special guardians are the private persons or public establishments to whose service the Africans were given over until they could be freed by law.

In the wretched condition in which the unhappy creatures live in Brazil, as well those delivered to private persons as to public establishments, it appears (unless satire and irony are legal) that the law ought to facilitate and protect, even directly and in all ways, the emancipation, the true liberty of the Africans, once that the time required for them to acquire moral capacity for self-government has elapsed.

However, let us see what facilities, what protection they meet for emancipating themselves, and how that emancipation is realised. The free African delivered to the service of a private person or of a public establishment does not cease to be practically a slave. Those who enjoy his services do not commit the folly of facilitating his emancipation, and slave as he is *de facto*, he is unable to obtain the pecuniary means to pay advocates to occupy themselves about it. It follows then that these wretched beings must resign themselves to the taunts of the law, or wait until chance procures for them a disinterested protector, and that clothed with the most evangelical patience they must prepare to suffer and follow the following proofs of this new moral inquisition :—

1. To ask from the Clerk of the Africans (Escrivão) the positive attestation that the time has elapsed.
2. Petition the Imperial Government through the Minister of Justice.
3. The Minister of Justice refers to the Judge of Orphans.
4. The Judge of Orphans gives information, and returns the petition to the Minister.
5. The Minister refers to the Chief of Police.
6. The Chief of Police refers to the General Guardian (Curador.)
7. The Guardian gives information, and returns the petition to the Chief of Police.
8. The Chief of Police refers to the Director of the House of Correction.
9. The Director of the House of Correction gives information, and sends back to the Chief of Police.
10. The Chief of Police gives the information, and sends back to the office of the Secretary of Justice.
11. The Secretary's office makes a *précis* of the information to be acted on by the Minister.
12. Finally the Minister acts, ordering a letter of freedom to be issued.
13. The petition returns to the Judge of Orphans.
14. Notification of the decision is sent to the Chief of Police.
15. The Judge of Orphans refers the petition to the Clerk, and orders a letter of freedom to be given ; but retains it in his possession until the party pays the respective emoluments.
16. The letter is made over to the Chief of Police.
17. The Chief of Police communicates with the Director of the House of Correction, ordering the African to appear.
18. The Director sends for him, and the Chief designates his place of residence.
19. The Chief of Police of the City of Rio de Janeiro (Corte), communicates with the Provincial Chief of Police to whom the place designated belongs, and hands over the free African with the letter.
20. The Provincial Chief of Police hands over the wretched man and his letter to the police authority of the place approved by the Chief of Police of Rio de Janeiro, as place of banishment for a free man condemned for no crime.

And after all this work and expense incurred with procurators and intermediaries, in order that the petition may not remain buried in the great ocean of our departments, the wretched African succeeds in being banished from the place where he has lived ten, fifteen, or twenty years, in which he had taken root, where had begun to found his future, his hopes.

This in Brazil, in the year of grace 1863. This is not a censure on authorities or functionaries ; it is an evil which is exclaimed against, and for which we claim the attention of the Imperial Government.

BRAZIL. (*Consular*)—*Bahia*.

No. 46.

Consul Morgan to Earl Russell.—(*Received February 6, 1863.*)

My Lord,

Bahia, December 31, 1862.

I HAVE the honour to transmit herewith the half-yearly Return of the prices of slaves in this city,

I have, &c.

(Signed) JOHN MORGAN, Jun.

Inclosure in No. 46.

RETURN of the Prices of Slaves within the District of the Consulate of Bahia at the respective times undermentioned.

	For the half-year ending June 30, 1862.		For the half-year ending December 31, 1862.	
	Currency.	Sterling.	Currency.	Sterling.
	Reis.	£ s. d.		
African Males	1,200\$000	130 0 0	} No alteration in prices.!	
" Females	1,000 000	108 6 8		
Creole Males	1,000 000	108 6 8		
" " with profession . .	1,500 000	162 10 0		
" Females	600\$ to 800\$	65 0 0 to 86 13 4		

British Consulate, Bahia, December 31, 1862.

(Signed) JOHN MORGAN, Jun., *Consul.*

No. 47.

Consul Morgan to Earl Russell.—(*Received August 3.*)

My Lord,

Bahia, June 30, 1863.

I HAVE the honour to transmit herewith the half-yearly Return of the prices of slaves in this city.

I have, &c.

(Signed) JOHN MORGAN, Jun.

Inclosure in No. 47.

RETURN of the Prices of Slaves within the District of the Consulate of Bahia, at the respective times undermentioned.

Description.	For the half-year ending December 31, 1862.		For the half-year ending June 30, 1863.	
	Currency.		Currency.	Sterling.
	Reis.	Reis.		
African Males	...	1,200\$	...	130 0 0
" Females	...	1,000\$	...	108 6 8
Creole Males	...	1,000\$	...	108 6 8
" with profession	...	1,500\$	...	162 10 0
" Females	600\$ to 800\$		65 0 0 to 86 13 4	

No alteration in prices.

British Consulate, Bahia, June 30, 1863.

(Signed) JOHN MORGAN, Jun., *Consul.*

BRAZIL. (*Consular*)—*Maranhã*.

No. 48.

Vice-Consul Wilson to Earl Russell.—(*Received November 19*)

My Lord,

Maranhã, September 30, 1863.

I HAVE the honour to inform your Lordship that there has been no renewal of the African Slave Trade within the limits of this Vice-Consulate during the whole of the quarter ending this day.

I have, &c.

(Signed) WILLIAM B. WILSON.

BRAZIL. (*Consular*)—*Pará*.

No. 49.

Consul Perry to Earl Russell.—(*Received March 6.*)

My Lord,

Pará, January 10, 1863.

I HAVE the honour to inform your Lordship that there has been no renewal of the African Slave Trade within the limits of this Consulate during the quarter ending the 31st ultimo.

I have, &c.

(Signed) GERALD RAOUL PERRY.

No. 50.

Consul Perry to Earl Russell.—(*Received March 6.*)

My Lord,

Pará, January 10, 1863.

I HAVE the honour to inclose a Return showing the average prices of slaves in this province during the six months ending the 31st ultimo.

I have, &c.

(Signed) GERALD RAOUL PERRY.

Inclosure in No. 50.

RETURN of the Average Prices of Slaves within the District of the Province of Grand Pará, during the Half-year ending December 31, 1862.

	Currency.		Sterling.					
	Reis.	Reis.	£	s.	d.	£	s.	d.
African Males	1,000\$000	to 1,300\$000	112	10	0	to 146	5	0
„ Females	900 000	1,000 000	101	5	0	112	10	0
Creole Males	1,000 000	1,300 000	112	10	0	146	5	0
„ „ with trades	1,200 000	1,400 000	135	0	0	157	10	0
„ Females	1,000 000	1,100 000	112	10	0	123	15	0
Infants from birth to 5 years old	400 000	600 000	45	0	0	67	10	0
Children from 5 to 14 years	700 000	800 000	78	15	0	90	0	0

Average rate of Exchange, 27½d. per milreis.

British Consulate, Pará, December 31, 1862.

(Signed) GERALD RAOUL PERRY, *Consul.*

No. 51.

Consul Perry to Earl Russell.—(Received May 22.)

My Lord,

Pará, March 31, 1863.

I HAVE the honour to inform your Lordship that there has been no renewal of the African Slave Trade within the limits of this Consulate during the quarter ending this day.

I have, &c.

(Signed) GERALD RAOUL PERRY.

No. 52.

Acting Consul Bond to Earl Russell.—(Received August 31.)

My Lord,

Pará, July 10, 1863.

I HAVE the honour to inform your Lordship that there has been no renewal of the African Slave Trade within the limits of this Consulate during the quarter ending the 30th June.

I have, &c.

(Signed) JAMES B. BOND.

No. 53.

Acting Consul Bond to Earl Russell.—(Received August 31.)

My Lord,

Pará, July 10, 1863.

I HAVE the honour to inclose a Return showing the average prices of slaves in this province during the six months ending the 30th ultimo.

I have, &c.

(Signed) JAMES B. BOND.

Inclosure in No. 53.

RETURN of the Prices of Slaves within the District of the Province of Grand Pará, during the Half-year ending June 30, 1863.

	Currency.		Sterling.		
	Reis.	Reis.	£	s.	d.
African Males	1,000\$000	to 1,300\$000	112	10	0
„ Females	900 000	1,000 000	101	5	0
Creole Males	1,000 000	1,300 000	112	10	0
„ „ with trades	1,200 000	1,400 000	135	0	0
„ Females	1,000 000	1,100 000	112	10	0
Infants (from birth to 5 years)	400 000	600 000	45	0	0
Children (from 5 to 14 years)	700 000	800 000	78	15	0

Average rate of exchange $27\frac{3}{4}d.$ per milreis.

British Consulate, Pará, June 30, 1863.

(Signed)

JAMES B. BOND, *Acting Consul.*

No. 54.

Consul Perry to Earl Russell.—(Received November 19.)

My Lord,

Pará, September 30, 1863.

I HAVE the honour to inform your Lordship that there has been no renewal of the African Slave Trade within the Provinces of Maranhão, Pará, and Amazonas during this quarter.

I have, &c.

(Signed)

GERALD RAOUL PERRY.

BRAZIL. (Consular.)—Pernambuco.

No. 55.

Consul Hunt to Earl Russell.—(Received February 4.)

My Lord,

Pernambuco, January 3, 1863.

I HAVE the honour to report to your Lordship that no negroes from the coast of Africa have been introduced into this Consular district during the past year.

I have, &c.

(Signed)

G. LENNON HUNT.

BRAZIL. (Consular)—Rio de Janeiro.

No. 56.

Acting Consul Hollocombe to Earl Russell.—(Received February 4.)

My Lord,

Rio de Janeiro, January 2, 1863.

I HAVE the honour to transmit herewith a Return showing the average prices of slaves within the district of this Consulate during the half-year ending on the 31st ultimo.

I have, &c.

(Signed) THOS. HOLLOCOMBE.

Inclosure in No. 56.

RETURN of the Average Prices of Slaves within the District of the British Consulate at Rio de Janeiro, during the Half-year ending December 31, 1862, as far as can be ascertained by Her Majesty's Acting Consul at that Port.

Class of Slaves.	Prices of Slaves.								Price of Slaves as per last Return. in Sterling.							
	In Currency.				In Sterling.											
	Reis.	Reis.			£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
<i>Agricultural.</i>																
Males	1,000\$000	to 1,800\$000			107	6	0	to 193	2	0	107	6	0	to 193	2	0
Females	1,000 000	1,500 000			107	6	0	160	18	0	107	6	0	160	18	0
<i>Domestic.</i>																
Males	1,200 000	2,000 000			129	3	0	214	12	0	129	3	0	214	12	0
Females	1,000 000	1,800 000			107	6	0	193	2	0	107	6	0	193	2	0
<i>Mining.</i>																
Males	} About the same as Agricultural.															
Females																
<i>Newly Imported.</i>																
Males	} None landed within the District of this Consulate during the last six months.															
Females																

British Consulate, Rio de Janeiro, January 2, 1863.

(Signed)

THOS. HOLLOCOMBE, Consul.

No. 57.

Acting Consul Hollocombe to Earl Russell.—(Received August 3.)

My Lord,

Rio de Janeiro, July 2, 1863.

I HAVE the honour to transmit herewith a Return showing the average prices of slaves within the district of this Consulate during the half-year ending on the 30th ultimo.

I have, &c.

(Signed) THOS. HOLLOCOMBE.

Inclosure in No. 57.

RETURN of the Average Prices of Slaves within the District of the British Consulate at Rio de Janeiro, during the Half-year ending June 30, 1863, as far as can be ascertained by Her Majesty's Acting Consul at that Port.

Class of Slaves.	Prices of Slaves.						Prices of Slaves as per last Return, in Sterling.				
	In Currency.		In Sterling.								
	Reis.	Reis.	£	s.	d.	£	s.	d.	£	s.	d.
<i>Agricultural.</i>											
Males	1,000\$000	to 1,800\$000	107	6	0	to 193	2	0	107	6	0
Females	1,000 000	1,500 000	107	6	0	160	18	0	107	6	0
<i>Domestic.</i>											
Males	1,200 000	2,000 000	129	3	0	214	2	0	129	3	0
Females	1,000 000	1,800 000	107	6	0	193	2	0	107	6	0
<i>Mining</i> . . .	About the same as Agricultural.										
<i>Newly Imported</i> ..	None landed within the District of this Consulate during the last six months.										

British Consulate, Rio de Janeiro, July 2, 1863.
(Signed) THOS. HOLLOCOMBE, Acting Consul.

BRAZIL. (Consular)--Rio Grande do Sul.

No. 58.

Acting Consul Gollan to Earl Russell.—(Received March 6.)

My Lord,
I HAVE the honour to inclose a Return of the average prices of slaves in this province during the half-year ended this day, by which your Lordship will perceive that no alteration has taken place in their value since the date of last Return.
I have, &c.
(Signed) ALEX. GOLLAN.

Inclosure in No. 58.

RETURN showing the Average Prices of Slaves in the Province of Rio Grande do Sul, during the Six Months ended December 31, 1862, compared with the Prices in the preceding Half-year.

Classes of Slaves.	Average Prices in Six-Monthly Periods to				Difference in Price in last Six Months.	
	June 30, 1862.		December 31, 1862.		Increase.	Decrease.
	Currency.	Sterling.	Currency.	Sterling.	Sterling.	Sterling.
	Reis.	£ s. d.	Reis.	£ s. d.	£ s. d.	£ s. d.
<i>Agricultural.</i>						
Males . . .	1,400\$000	140 0 0	1,400\$000	140 0 0		
Females . . .	1,250 000	125 0 0	1,250 000	125 0 0	—	—
<i>Domestic.</i>						
Males . . .	1,600 000	160 0 0	1,600 000	160 0 0	—	—
Females . . .	1,400 000	140 0 0	1,400 000	140 0 0	—	—
<i>Mining</i> . . .	None.					
<i>Newly Imported</i> . . .	None.					

Remark.—No change in value during the half-year.

Exchange, 24*d.* for milreis.

(Signed) ALEX. GOLLAN, *Consul.*

British Consulate, Rio Grande do Sul, December 31, 1862.

No. 59.

Acting Consul Gollan to Earl Russell.—(Received August 31.)

My Lord,

Rio Grande do Sul, July 2, 1863.

I HAVE the honour to transmit to your Lordship a Return showing the average prices of slaves in this province during the half-year ended June 30, 1863.

I have, &c.

(Signed) ALEX. GOLLAN.

Inclosure in No. 59.

RETURN showing the Average Prices of Slaves in the Province of Rio Grande do Sul during the Half-year ended June 30, 1863, as compared with the Prices in the previous Half-year.

Classes of Slaves.	Average Prices in Six-Monthly Periods to				Difference in Price in last Six Months.	
	December 31, 1862.		June 30, 1863.		Increase.	Decrease.
	Currency.	Sterling.	Currency.	Sterling.	Sterling.	Sterling.
	Reis.	£ s. d.	Reis.	£ s. d.	£ s. d.	£ s. d.
<i>Agricultural.</i>						
Males . . .	1,400\$000	140 0 0	1,400\$000	140 0 0		
Females . . .	1,250 000	125 0 0	1,250 000	125 0 0		
<i>Domestic.</i>						
Males . . .	1,600 000	160 0 0	1,600 000	160 0 0		
Females . . .	1,400 000	140 0 0	1,400 000	140 0 0		
<i>Mining</i> . . .	None.					
<i>Newly Imported</i> . . .	None.					

Exchange 24*d.* per milreis.

British Consulate, Rio Grande do Sul, June 30, 1863.

(Signed) ALEX. GOLLAN, *Acting Consul.*

CENTRAL AMERICA.

No. 60.

Mr. Mathew to Earl Russell.—(Received October 14.)

(Extract.)

Guatemala, August 29, 1863.

I HAVE received from Mr. Kirkpatrick, Her Majesty's Consul in Honduras, a despatch, under date of the 13th of July, of which I inclose a copy, communicating to me an insurrection, on the 5th, at Truxillo, headed by the late Commandant, Colonel Fonseca, and apparently fomented by persons interested in the Slave Trade, and connected with the slaver "*Noc d'Aqui*."

In pursuance of the instructions conveyed by your Lordship's despatch of the 28th of July, 1862, I demanded the dismissal of Commandant Fonseca, for his evident and notorious participation in the arrangements for facilitating the Cuban Slave Trade; but the Government of Honduras judged that the decision of a tribunal was necessary for this object, and, as they stated, for his further punishment; and, by the usual chicanery of Central American law, the matter was still pending, and Colonel Fonseca remained in a probably nominal confinement.

A subsequent letter of the 31st, which has reached me by way of La Union, states that Colonel Fonseca pillaged from the Custom-house 12,000 dollars which, by the especial assignment of the duties at Truxillo, under the Convention of March 2, 1852, were due, on the 1st of this month, to British claimants. Mr. Kirkpatrick adds that Fonseca had arrived at Comayagua, and had not only been received with great cordiality by General Medina, the recently declared President by the Guatemalan forces in Gracias, but, as was currently reported, was about to be named to a command.

Inclosure 1 in No. 60.

Consul Kirkpatrick to Mr. Mathew.

Sir,

Comayagua, July 13, 1863.

I HAVE the honour to communicate to you the inclosed copy of a despatch addressed to me by the Minister, Señor Garrigó, referring to a serious insurrection which has broken out in Truxillo, and which seems to be fomented by persons interested in the Slave Trade.

It appears that Antonio Fonseca escaped from prison, and prevailed on the garrison to unite and pronounce against the Government.

They incarcerated the authorities, seized the arms and Custom-house funds, and having rendered themselves masters of the town, called on the rebels in Olancho to join them, and unite their combined forces against the Government.

The Captain of the slaver "*Noc Daqui*" is expected at Truxillo with arms, ammunition, &c., and there is every probability that the whole conspiracy is set on foot by the slave-traders of the Havana, in order to profit by the anarchy, and fit out other vessels for the Slave Trade.

Under these circumstances the Government solicit the assistance of a British vessel of war to protect the port and Custom-house, and to put down the rebels.

The information of these occurrences has come from Yoro. No communication has been received from Truxillo, and consequently I have not heard from Mr. Melhado since the outbreak. But four days ago I received from him a letter dated June 25, in which he states:—

"Don J. Julio, the consignee of the '*Noc Daqui*,' after having been absent a very suspicious period of over seven months, has returned here in a three-masted American flat-bottomed centre-board schooner, originally the '*George K. Dixon*,' but subsequently white-washed and re-named '*Numero Uno*.' She is now under a British license for six

months, and so sailed from Philadelphia to Havana; thence here. The license expires on the 14th of September; the owner is represented as one Mr. Henry Henderson, of London. She is bought ostensibly for the cattle trade with this and Batabano, and all her papers are at present in proper form. Yet grave suspicions are entertained, from her build and other circumstances, that she is destined for the Slave Trade, which, after or about September, she will manage to facilitate.

"I will note that the schooner is 206 tons, and sailed on the 24th instant for Batabano with 210 head of cattle, from which you can judge of her capacity."

From this letter, and from the appearance of Don José Julio in Truxillo about the time of the outbreak, I am led to give full credit to the assertion of the Government that the insurrection is in connection with the slave-traders.

I have already despatched a special courier to his Excellency Governor Seymour, giving him all the information I have on the subject, and inclosing a copy of the Minister's despatch.

I trust his Excellency will be able to send a vessel of war to the coast, for, with a revolution in Olancho, and a factious Government established in Gracias under the protection of Guatemala, I fear the Honduras Government will be a long time before it can restore order in Truxillo, and prevent the farther extension of the Slave Trade along its coast.

I have, &c.

(Signed) EDWARD KIRKPATRICK.

Inclosure 2 in No. 60.

Señor Garrigo to Consul Kirkpatrick.

(Translation.)

Sir,

Comayagua, July 13, 1863.

BY the annexed copy you will see that the garrison of Truxillo has been seduced and turned against the legitimate authority; that as soon as the revolt had taken place they invited the rebels of Olancho and Yoro to occupy the port, and that probably it has fallen into the power of the latter.

Still, this intelligence would not be so alarming if it were not positively stated that the Captain of the "*Noc Daquí*" has brought, or was about to arrive with munitions of war, which proves this to be a conspiracy with him.

Under these circumstances the Government, who see in this an event not exclusively concerning Honduras, and because they have seized the Custom-house, which is especially devoted to the payment of the English debt, hasten to communicate it to you, in order that you may, if you think fit, induce his Excellency the Governor of British Honduras to send a ship of war to watch our coasts, and even assail the rebels of the port whilst the forces of the Department of Yoro attack them by land.

The Government do not doubt that you will immediately take this determination; certain that the Minister of Her Britannic Majesty, to whom, under this date, I communicate what has occurred, will give you his approval; the more so that he has always shown himself so zealous in the affair of the slave-ship that is now the occasion of this disturbance.

(Signed) M. GARRIGO.

Inclosure 3 in No. 60.

Señor Lara to the Chief Civil Authority of the Department.

(Translation.)

Sir,

July 9, 1863.

WITHOUT knowing how the constraining circumstances which overturn Honduras will affect your policy, I send you positive information upon which you may act.

Antonio Fonseca has raised a revolt in the garrison of the port, has made prisoners of the authorities, and summoned the Olanchans to arm themselves against the Government.

Bernabé Antunes occupied the arsenal on the 5th, with Olanchans and Yorans, so that these will doubtless make the people of Olanchito pronounce themselves, then communicate with Fonseca, and then attack us.

If you wish us to resist in this place, send a despatch to the Government requesting the munitions requisite, such as gun-flints, &c., and a hundred men under a good commander. Whatever your determination is, I will obey you with pleasure.

I am, &c.

(Signed) DOLORES LARA.

COMORO ISLANDS.

No. 61.

Mr. Layard to Consul Sunley.

Sir,

Foreign Office, May 5, 1863.

I AM directed by Earl Russell to call your attention to a despatch which his Lordship addressed to you on the 14th of June last, acquainting you that you must give up the employment of slaves on your estates, or be prepared to resign your Commission as Her Majesty's Consul for the Comoro Islands.

Lord Russell concludes as you have taken no notice of the despatch, that it may not have reached your hands. I am, therefore, to transmit to you a duplicate copy of it, and to desire that you will communicate to his Lordship, with as little delay as possible, the decision you may have come to in this matter, and you will also explain the cause of your delay in replying to his Lordship's despatch.

I am, &c.

(Signed) A. H. LAYARD.

No. 62.

Consul Sunley to Earl Russell.—(Received July 7, 1863.)

My Lord,

Johanna, December 31, 1862.

I WAS informed that four dhows arrived at Mohilla with slaves in March and April, but I have not been able to obtain any particulars about them.

I have not heard of any dhows having carried slaves to Comoro.

In March, 53 slaves were landed on the east side of the Island of Johanna from a dhow navigated by a Soorie Arab named Hamisse Washalla. On my speaking to the Sultan on the subject, he stated that the dhow had been blown off Mayotte, and had put into Johanna for water and food; that the slaves were very feeble, and some of them very ill; and that he thought it would have been very cruel not to have allowed them to be put on shore. I accepted this excuse, as there was a design to make a disturbance in the island, when the Sultan was openly taxed with breaking his Treaty with the English Government.

I have no knowledge of any slaves having been taken from Mohilla and Comoro to Mayotte or Nossi Bé.

I have, &c.

(Signed) WM. SUNLEY.

No. 63.

Consul Sunley to Earl Russell.—(Received July 7.)

My Lord,

Johanna, February 20, 1863.

COMMANDER CHAPMAN, of Her Majesty's ship "Ariel," the Senior Officer, has informed me that Sub-Lieutenant Fellowes, in the cutter of that vessel, chased a dhow, under Arab colours, on the 21st of December, off the south-west end of Comoro, which ran on shore at Ytsanda, where the crew and about 60 slaves escaped. The Chief at Ytsanda would not permit them to enter his town, and they proceeded to Maroni. On Captain Chapman requesting the Chief of Maroni to give up the slaves, he denied all knowledge of their being in his territory; and as the seizure took place in the waters of this Consulate, Commander Chapman did not take strong measures to get them, and reported the matter to me.

The anchorage at Maroni is very unsafe at this season; when the monsoon changes,

and I have an opportunity, I shall communicate with the Chief at Maroni upon the matter.

I have, &c.
(Signed) WM. SUNLEY.

No. 64.

Consul Sunley to Earl Russell.—(Received July 7.)

My Lord,

Johanna, February 22, 1863.

YOUR Lordship's despatch of the 14th of June last was received on the 30th of December by Her Majesty's ship "Ariel."

In reply to my explanation of the circumstances under which I employ slaves as labourers upon my sugar estate, your Lordship informs me that if Her Majesty's Government were to countenance my proceedings they could not consistently refuse to do the same in other cases; that their motives would be misunderstood, and they would lay themselves open to the charge of tolerating the employment of slave-labour by a British officer, while they denounced the employment of slaves by the planters of other countries; and your Lordship observes that I must have been aware that in employing slaves I was acting contrary to the Regulations laid down by Her Majesty's Government for the guidance of their Consular Officers, and that I shall therefore be prepared for their decision, namely, that I must give up the employment of slaves in my service, or be prepared to resign my commission.

In a matter where I am so deeply interested it would not become me to attempt to alter the decision of Her Majesty's Government by offering any further explanation of the circumstances under which I employ slaves; but I cannot but think that if they were to receive an account not only of my proceedings, but also of the condition of the population of the island, from a disinterested person, they would pronounce that the labour which I employ is not what is usually meant by the term "slave-labour;" and that I am, in the limited sphere in which I am placed, practically working against slavery. The Arab element in the population of the island is fast disappearing, and it is the slaves and their progeny that will people the island. These people I am civilizing.

Before I had the honour to be appointed Her Majesty's Consul I employed the people of the island as I now do, and I was not aware that I was acting contrary to the Regulations made by Her Majesty's Government for the guidance of their Consular Officers.

I cannot, without serious inconvenience, immediately dismiss the slaves in my service; and I respectfully request your Lordship will allow me to defer for a few months the resignation of my commission, that I may try—what I am afraid is impossible—to employ none but free persons as labourers on my sugar estate.

I have, &c.
(Signed) WM. SUNLEY.

No. 65.

Earl Russell to Consul Sunley.

Sir,

Foreign Office, July 31, 1863.

WITH reference to your despatch of the 20th of February last, reporting the refusal of the Chief of Maroni to give up some slaves who escaped from an Arab slave-dhow which was run ashore by her crew when chased by a boat from Her Majesty's ship "Ariel," I have to desire that you will call upon the Sultan of Johanna to procure the release of these slaves should they be within his jurisdiction, and you will report to me the result of your proceedings in this matter.

I am, &c.
(Signed) RUSSELL.

No. 66.

Earl Russell to Consul Sunley.

Sir,

Foreign Office, July 31, 1863.

I HAVE received your despatch of the 22nd of February last; and in reply I have to acquaint you that you may delay, for a period of six months from the date of this despatch, your decision whether you will resign your commission, or give up the employment of slave-labour on your sugar estates in Johanna.

I am, &c.
(Signed) RUSSELL.

FRANCE.

No. 67.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, January 13, 1863.

WITH reference to my despatch of the 15th of September last, relative to the Spanish steamer "*Noc d'Aqui*" which was reported as being about to sail from the port of Bordeaux, where she had been equipped for the African Slave Trade, I now transmit, for your Excellency's information, a copy of a despatch from Her Majesty's Consul at Bilbao,* reporting that the "*Noc d'Aqui*" has landed a cargo of upwards of 1,000 slaves in Cuba.

This vessel is doubtless the one referred to in Mr. Consul Freeman's despatch of the 29th of October last, as having shipped a cargo of slaves from Aghwey under French colours, on the morning of the 20th of that month.

I have to instruct your Excellency to bring the particulars respecting this vessel to the notice of the French Government, and you will express a hope that strict inquiries will be made into this case, with the view to the punishment of any parties who may be amenable to French laws for their participation in the equipment of the "*Noc d'Aqui*."

I am, &c.

(Signed) RUSSELL.

No. 68.

Earl Cowley to Earl Russell.—(Received May 23.)

My Lord,

Paris, May 21, 1863.

I HAVE the honour to inform your Lordship that I communicated to the Imperial Government the information contained in your despatch of the 31st December of last year, respecting the shipment of a cargo of 1,000 slaves on board a steamer under French colours from Aghwey, and on the receipt of your Lordship's despatch of January 13th last I addressed a note to M. Drouyn de Lhuys, stating that the Spanish steamer "*Noc Daqui*" which was reported to have been equipped in Bordeaux for the African Slave Trade, had landed a cargo of slaves in Cuba, and that this vessel was doubtless the one which shipped a cargo of slaves from Aghwey, and I expressed to his Excellency the hope of Her Majesty's Government that the parties concerned in the equipment of this vessel would be brought to punishment. In the answer which I have received from M. Drouyn de Lhuys, a copy of which I have the honour to inclose, his Excellency admits that the vessel was equipped at Bordeaux, but with so much secrecy that it was not possible to ascertain whether she sailed under French colours. His Excellency requests me further to call the attention of Her Majesty's Government to the fact that ten or twelve days after the departure of the slaver the two shippers arrived at Lagos, and embarked on the 10th November on board the English packet, of which the Governor of Lagos could not have been ignorant. His Excellency concludes by assuring me that the "*Noc Daqui*" will not escape the vigilance of the marine authorities, should she again appear in a French port.

I have, &c.

(Signed) COWLEY.

Inclosure in No. 68.

M. Drouyn de Lhuys to Earl Cowley.

M. l'Ambassadeur,

Paris, le 19 Mai, 1863.

VOUS m'avez fait l'honneur de me communiquer à la date du 3 Janvier dernier un rapport de M. le Gouverneur de Lagos, d'après lequel une opération de Traite aurait été effectuée à Aghwey le 20 Octobre, 1862, sous pavillon Français. Le Commandant du navire de Sa Majesté Britannique le "Grillon" ayant appris qu'un chargement d'esclaves se préparait à Whydah, s'était d'abord mis à la poursuite d'un vapeur Français qu'il supposait avoir ce chargement à bord, mais ce vapeur était l'avisio le "Lamothe Piquet," de la marine Impériale, et cette méprise du Commandant Perry avait permis au négrier qu'il voulait atteindre de lui échapper. Par une lettre sub-séquent du 22 Janvier, votre Excellence m'annonçait que le navire qui avait embarqué des noirs à Aghwey n'était autre que le steamer Espagnol "Noc Daqui" dont les préparatifs dans le port de Bordeaux avaient précédemment éveillé des soupçons qui se trouvaient ainsi justifiés.

Je m'étais préoccupé dès la réception de la première lettre de votre Excellence d'obtenir sur les faits qu'elle me signalait des informations qui me manquaient. Il résulte de celles qui viennent de me parvenir que le navire étranger indiqué comme ayant été se réparer à Bordeaux dans le courant de 1862, après une première opération de Traite faite peu de temps auparavant à la côté d'Afrique, en aurait, en effet, effectué une seconde dans les mêmes parages au mois d'Octobre dernier. Mais le secret avec lequel il s'y est livré n'a pu permettre de constater qu'il se fut couvert pour cela du pavillon Français, et rendait d'ailleurs inutile cette simulation de pavillon. Il n'y a donc eu de la part de M. le Commandant Perry qu'une supposition provenant peut-être d'avis calculés pour lui faire prendre le change ainsi qu'il lui est arrivé en se mettant à la poursuite du "Lamothe Piquet." Ce qui est certain, au contraire—et je dois à mon tour prier votre Excellence d'appeler sur cette circonstance l'attention du Gouvernement Britannique—c'est que dix à douze jours après le départ du bâtiment négrier, les deux chargeurs avoués et reconnus de cette cargaison arrivaient tranquillement à Lagos, s'y embarquaient le 10 Novembre à bord du paquet Anglais, et que M. le Gouverneur de Lagos n'a pu l'ignorer.

Quoiqu'il en soit, au surplus, le "Noc Daqui" n'échapperait pas à la surveillance de nos autorités maritimes s'il venait à réparaître dans un de nos ports.

Agréez, &c.

(Signé) DROUYN DE LHUYS.

No. 69.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, May 23, 1863.

I TRANSMIT herewith, for your Excellency's information, a copy of a letter from the Admiralty inclosing copies of a correspondence which has passed between the French and English Commodores on the African station,* relative to the boarding of vessels under French colours by British cruizers on the African coast.

I am, &c.

(Signed) RUSSELL.

No. 70.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, May 27, 1863.

I HAVE received your Excellency's despatch of the 21st instant, inclosing the reply of M. Drouyn de Lhuys to the note which you addressed to him, expressing the hope of Her Majesty's Government that the parties concerned in the equipment at Bordeaux of the Spanish slave-steamer "Noc Daqui," in the month of August last, would be brought to punishment.

It would appear, from the tenour of the French Minister's reply, that his Excellency is under the impression that blame in some measure attaches to the Governor of Lagos, for permitting two persons whom he knew had been engaged in shipping the cargo of

* Class A, No. 111 and Inclosures.

slaves on board the "*Noc Daqui*," to pass through Lagos, and to embark on board the English packet; but I have to instruct your Excellency to point out to M. Drouyn de Lhuys that, although the individuals who shipped the slaves on board the steamer were known to the Governor, yet as they had committed no crime which a British authority would have been entitled to take cognizance of, the Governor would not have been justified in detaining or otherwise interfering with them on their passage through Lagos.

I am, &c.

(Signed) RUSSELL.

No. 71.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, June 30, 1863.

I INCLOSE, for your Excellency's information, copy of a despatch from Commodore Wilmot* respecting his visit to the King of Dahomey, which has been laid before Parliament by command of Her Majesty.

I have at the same time to acquaint your Excellency that it is the intention of Her Majesty's Government to send Captain Burton, Her Majesty's Consul for the Bight of Biafra, to Abomey, to confirm to the King of Dahomey the friendly messages of which Commodore Wilmot was the bearer, and I inclose for your Excellency's information a copy of a despatch which I have addressed to Captain Burton on this subject.†

I am, &c.

(Signed) RUSSELL.

No. 72.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, June 30, 1863.

WITH reference to my despatch of this day's date, I transmit for your Excellency's information copies of a letter from the African Aid Society to Viscount Palmerston, and of the answer which by my directions has been returned to their communication relative to the affairs of Dahomey.

I am, &c.

(Signed) RUSSELL.

Inclosure 1 in No. 72.

The Chairman of the African Aid Society to Viscount Palmerston.

*African Aid Society, 8, Adelphi Terrace, Strand,
London, June 8, 1863.*

My Lord,

THE Council of the African Aid Society beg leave respectfully to recall to your Lordship's recollection that they have from time to time, in memorials and letters, by deputations and at interviews, brought the subject of Dahomey, its laws, customs, and Slave Trade, under the notice of Her Majesty's Government, with a view to obtain some remedial action on their part for bringing about a change of system in Dahomey. They have urged at various times the sending of a Commissioner to Dahomey, the granting of an adequate annual subsidy to the King under certain conditions, and the occupation of Whydah by Her Majesty's forces. In doing this, they have been seconded and supported by the principal Chambers of Commerce throughout the country, and by the merchants, manufacturers, and other principal persons in London, Liverpool, and Manchester.

The recent visit of Commodore Wilmot to Dahomey, the nomination of a French Consul at Whydah, and the acceptance on the part of his Government by the French Commodore on the coast, of the Protectorate of Porto Novo, render it necessary for the Council to appeal again to your Lordship on the same subject of Dahomey.

The facts observed and the statements elicited by Commodore Wilmot during his late visit to Abomey, and the recent invasion of the territory of Abbeokuta, prove that no beneficial change whatever has yet taken place in Dahomey. But not only the great

* Class A, No. 103.

† No. 30.

interests of humanity, but also those of the cotton-manufacturing population of Great Britain, France, and other European countries, demand that such a change should no longer be delayed. The industrial regeneration of, and the spread of civilization over, a most important tract of country as regards cotton supply depend upon such change. Whatever may be the issue of the war now devastating the Cotton States of America, it cannot be expected that those States will ever again furnish to Europe a dependable supply of cotton to such an extent as heretofore. And yet the increasing populations of the world and the march of civilization among them render continually increasing supplies of cotton necessary to them, as well as to our manufacturers. Dahomey and the adjacent valley of the Niger are adapted to the production of that particular quality of cotton which the Cotton States of America had until lately supplied with so much advantage to the manufacturers of Europe. And yet, in consequence of the atrocious system which prevails there, Dahomey is not only herself unproductive, although the population is one of the most systematically agricultural in Africa, but she is also the cause of unproductiveness in adjacent territories. Ishagga was a cotton producer; Dahomey destroyed it and its people. Abbeokuta is a cotton producer; Dahomey impedes the extension of cotton production there, and threatens to annihilate it altogether.

Under these circumstances, the Council beg leave to urge upon your Lordship the immediate adoption and exercise, by Her Majesty's Government, of every possible means for bringing Dahomey within the circle of advancing civilization.

The King of Dahomey has expressed to Commodore Wilmot his desire that the British should occupy the fort at Whydah. The Council cannot, at this moment, urge upon Her Majesty's Government the immediate occupation of the British fort at Whydah by a detachment of one of the West India Regiments, because the trouble with Ashantee may render it necessary to send every available portion of those regiments to the protected territories and to Quittah. But as the King of Dahomey has expressed a desire that the English should occupy that fort, and that a Government Agent should be established there, the Council beg to state their conviction that the permanent presence of some British authority at Whydah—Consular or other—would tend materially to bring about a better state of things at Whydah, and to impede or destroy the Slave Trade from that port.

The Council beg leave further to point out to Her Majesty's Government that the presence of a French Consul at Whydah, and the French Protectorate at Porto Novo, may be made instrumental for effecting the desired change in Dahomey. The Council have reason to believe that the French Government are strongly impressed with the great productiveness of the soil of Dahomey, and the great cotton capabilities of the Dahomian territory. They therefore believe that the French Government would readily co-operate with that of Her Majesty if invited to do so. And so strongly are the Council impressed with the truths that African regeneration will spring only from European influence, and that questions of European domination in Africa are of trivial importance when compared with the universally-beneficial results of the industrial regeneration of Africa, that they feel no jealousy as regards the preponderance of French influence in Dahomey, provided that influence be directed to the annihilation of the Slave Trade and the development of the vast natural resources of the soil and climate of the Dahomian territory.

The Council beg further to express the hope that Her Majesty's Government will not overlook those peculiarities of African character which render necessary a second visit of Commodore Wilmot to the capital of Dahomey. The expression of the King, that he could not know whether Her Majesty's Government were in earnest until he had received a second visit from Commodore Wilmot is in strict keeping with the general prejudices and customs of Africa. The Council have therefore no hesitation in urging upon Her Majesty's Government that due authorization be given to Commodore Wilmot to proceed again to Dahomey and that he be duly furnished with the necessary presents for that purpose. But the Council beg leave to suggest that Commodore Wilmot be instructed to make it a condition of his revisiting Abomey that no human sacrifices should be offered during his stay at the Dahomian Court, such sacrifices being abhorrent to the feelings and principles of Christian people, and such as no Christian Envoy should ever sanction by his presence.

The Council, in conclusion, beg leave once again to direct the consideration of Her Majesty's Government to the question of a subsidy to the King of Dahomey, to cease when he may obtain from legitimate trade a revenue equal to that hitherto derived from the sale and export of slaves. They entreat Her Majesty's Government not only to order Commodore Wilmot to revisit Abomey, but to furnish him also with full instructions and powers to enter into a Treaty with the King; to appoint a British Resident to the fort at Whydah; to order the occupation of that fort by a detachment of Her Majesty's forces,

so soon as the other exigencies of the public service may permit of this being done; and to endeavour earnestly to obtain the co-operation of the Government of His Imperial Majesty the Emperor of the French for obtaining, by joint representation, remonstrance, and subsidy if necessary, that change of system in Dahomey which can alone satisfy Christian Europe, and lead to the realization of those hopes which have been formed of the great capabilities of the soil and climate of Dahomey, and of the agricultural character of its people.

We have, &c.
(Signed) ALFRED S. CHURCHILL,
Chairman of the Executive Committee.
T. LYONS McLEOD,
Honorary Secretary.

Inclosure 2 in No. 72.

Mr. Layard to Lord A. Churchill.

My Lord, *Foreign Office, June 29, 1863.*
I AM directed by Earl Russell to acknowledge the receipt of your letter of the 8th instant, addressed to Viscount Palmerston; and I am to inform you, in reply, that it is the intention of Her Majesty's Government to send an Envoy to the King of Dahomey; and I am to add that the suggestions contained in your letter will meet with due consideration.
I am, &c.
(Signed) A. H. LAYARD.

No. 73.

Earl Cowley to Earl Russell.—(Received July 3.)

My Lord, *Paris, July 2, 1863.*
WITH reference to the inclosures in your Lordship's despatch of the 30th ultimo, I beg to ask whether it may not be advisable that I should communicate to M. Drouyn de Lhuys those parts of the letter of the African Aid Society to Viscount Palmerston which express a desire for the co-operation of the French Government in aid of the suppression of the Slave Trade and of the cultivation of cotton in the Kingdom of Dahomey.
I have, &c.
(Signed) COWLEY.

No. 74.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, July 3, 1863.*
IN reply to your Excellency's despatch of the 2nd instant, I have to acquaint your Lordship that you may communicate to M. Drouyn de Lhuys those parts of the letter of the African Aid Society in which a desire is expressed for the co-operation of the French Government in aid of the suppression of the Slave Trade and of the cultivation of cotton in the Kingdom of Dahomey.

I am, &c.
(Signed) RUSSELL.

No. 75.

Earl Cowley to Earl Russell.—(Received July 8.)

My Lord, *Paris, July 7, 1863.*
IN accordance with your Lordship's permission I have communicated to M. Drouyn de Lhuys such portions of the letter of the 8th ultimo from the African Aid Society to Viscount Palmerston, inclosed in copy in your Lordship's despatch of the 30th ultimo, as regards the question of the cultivation of cotton in the Kingdom of Dahomey; and I have

the satisfaction to inform your Lordship that M. Drouyn de Lhuys promises that he will act in compliance with the wishes expressed by the Society.

I have, &c.
(Signed) COWLEY.

No. 76.

Earl Cowley to Earl Russell.—(Received July 24.)

My Lord,

Paris, July 23, 1863.

WITH reference to my despatch of the 21st May, I have now the honour to transmit copy of a further note from M. Drouyn de Lhuys, inclosing copy of the Judgment of the Juge d'Instruction at Bordeaux respecting the case of the "*Noc Daqui*," whereby it appears that no French subject took part in the slaving expedition of that steamer, which was carried out in foreign waters; that the real object of the voyage was only known to the owner, an inhabitant of Bilbao, and to the Spanish captain; and that the authorities and merchants at Bordeaux all considered that the "*Noc Daqui*" was going on a trading voyage to Vera Cruz.

I have, &c.
(Signed) COWLEY.

Inclosure 1 in No. 76.

M. Drouyn de Lhuys to Earl Cowley.

M. l'Ambassadeur,

Paris, le 21 Juillet, 1863.

J'AI eu l'honneur de communiquer à votre Excellence le 19 Mai dernier les premières informations que j'avais pu recueillir sur le fait de Traite qu'elle m'avait signalé par ses lettres du 3 et du 22 Janvier. Je lui faisais savoir que le navire Espagnol le "*Noc Daqui*," désigné comme s'étant armé à Bordeaux et sur lequel s'étaient portés les soupçons, avait effectué ses opérations avec des précautions telles qu'il n'avait pas dû être possible de constater qu'il se fût réellement couvert du pavillon Français. M. le Ministre de la Justice avait toutefois, sur ma demande, prescrit d'ouvrir à Bordeaux une procédure sur cette affaire. Or, il résulte de l'ordonnance de non-lieu qui vient d'être rendue, qu'aucun Français n'a pris part à l'opération de Traite dont il s'agit, laquelle s'est effectuée dans des eaux étrangères; que le véritable but de l'expédition est demeuré secret entre l'armateur, habitant de Bilbao, et le capitaine Espagnol commandant le navire, et, qu'aux yeux de l'autorité comme de tout le monde de Bordeaux, le "*Noc Daqui*," armé pour un voyage de commerce, n'a paru avoir bien effectivement d'autre destination que la Vera Cruz. Je m'empresse de communiquer confidentiellement à votre Excellence cette ordonnance de non-lieu, qui, ainsi qu'elle le verra, met notre commerce complètement hors de cause.

Agréez, &c.
(Signed) DROUYN DE LHUYS.

Inclosure 2 in No. 76.

Judgment in the case of the "Noc Daqui."

NOUS a Ste. Marie, Juge d'Instruction à Bordeaux.

Vu le procédure suivie contre quidam inculpé du crime de Traite;

Vu la réquisition de M. le Procureur Impérial;

Attendu que s'il paraît résulter de l'instruction que dans le courant d'Octobre 1862, à Aghwey, sur la côte d'Afrique, le navire le "*Noc Daqui*" s'est livré à une opération de Traite en se couvrant des couleurs Françaises qu'on sait être pures et respectées, il est établi—

Qu'aucun Français n'a pris part à cette opération;

Que le crime a été commis dans des eaux étrangères et par des étrangers;

Qu'entré au mois d'Août 1862 dans le port de Bordeaux pour s'y réparer, le "*Noc Daqui*" en est sorti le 14 Septembre suivant, sans que les dispositions prises à bord et le chargement aient en rien décélé le but de l'armement;

Qu'il ne résulte de la procédure aucun indice de culpabilité contre des capitaines armateurs, bailleurs de fonds, ou assureurs Français;

Qu'il appert, au contraire, de la correspondance saisie, que le véritable but de l'expédition est demeuré secret entre l'armateur Tsadi de Bilbao et le capitaine Espagnol commandant le navire;

Enfin, qu'aux yeux des autorités et des commerçants de Bordeaux le "*Noc Daqui*" armé pour un voyage de commerce n'a paru avoir d'autre destination que la Vera Cruz;

Par ces motifs déclarons n'y avoir lieu à suivre.

Fait à Bordeaux, en mon cabinet, le 6 Juillet, 1863.

(Signé) ST. MARDI (*le Juge d'Instruction*).

No. 77.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, September 11, 1863.*

I TRANSMIT to your Excellency copies of a letter and its inclosures from Rear-Admiral Sir B. Walker,* reporting the boarding by Her Majesty's ship "Ariel" of a dhow under French colours off the Comoro Islands, on the 26th of April last.

As there appears to be little doubt that the dhow in question was about to ship slaves at Comoro for Mohilla, I have to instruct your Excellency to bring the circumstances of this case to the notice of M. Drouyn de Lhuys; and at the same time to request that instructions may be sent to the French Consul at Zanzibar to use particular discretion in granting the protection of the French flag to dhows trading in those waters.

I will not fail to furnish your Excellency with Commander Chapman's more detailed Report on this case as soon as it is received in this office.

I am, &c.
(Signed) RUSSELL.

No. 78.

Mr. Grey to Earl Russell.—(Received September 16.)

My Lord, *Paris, September 15, 1863.*

IN obedience to the instructions contained in your Lordship's despatch of the 11th instant to Earl Cowley, I have laid the circumstances of the case reported by Commander Chapman in regard to the boarding of a dhow under French colours off the Comoro Islands, before M. Drouyn de Lhuys.

I placed in his Excellency's hands a short Memorandum of the case, and I expressed the hope of Her Majesty's Government that instructions might be sent to the French Consul at Zanzibar to use particular discretion in granting the protection of the French flag to dhows trading in those waters.

M. Drouyn de Lhuys said he would inquire into the case, and let me know the result.

I have, &c.
(Signed) W. G. GREY.

No. 79.

Earl Russell to Earl Cowley.

My Lord, *Foreign Office, October 31, 1863.*

I INCLOSE, for your Excellency's information, a copy of a Memorial to the Queen from the inhabitants of Jamaica on the subject of the Cuban Slave Trade, which has been communicated to me by the Secretary of State for the Colonies.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 79.

Memorial.

Unto Her Most Gracious Majesty Victoria, Queen of Great Britain and Ireland, India, and other Colonies of the British Empire.

The Memorial of the undersigned inhabitants of the parish of Hanover, in Her Majesty's Island of Jamaica.

May it please your Majesty,

Your Memorialists desire very humbly to approach your Majesty's Throne with feelings of the most profound respect and regard for your Majesty's person and Government, and with the most grateful acknowledgements to the Giver of all good for the innumerable and most precious blessings which they enjoy in their connection with the British Empire, and under your Majesty's benignant reign.

That your Memorialists crave permission to represent to your Majesty that their hearts are deeply oppressed with grief when they consider the horrors and cruelties of the inhuman Slave Trade which is now being carried on between the Western Coast of Africa and the Spanish Island of Cuba, and which, as proved by documents laid before the British Parliament, all the efforts of your Majesty's cruizers stationed on the coast of Africa have failed to prevent, or even greatly to mitigate.

That many of your Majesty's Memorialists belong to the emancipated class in this island, and that many others of them are descended from those who once were slaves, and therefore regard with feelings of peculiar sadness and sorrow this monstrous traffic in human beings with which the world is still cursed.

That your Memorialists have reason to believe that the provisions of the Treaties which now exist between your Majesty's Government and the Government of Her Majesty the Queen of Spain for the suppression and extinction of this accursed traffic, are systematically avoided and violated by some of the officials of the Spanish Government, whose duty it is to implement these Treaties; and that, in consequence of this, no fewer than at least 30,000 African slaves were last year landed in the Island of Cuba. That other and more stringent measures than have yet been adopted are therefore necessary to secure the fulfilment of these Treaties.

That your Memorialists are grateful to learn that the right of search has now been conceded by the United States of America as well as by other nations, and that accordingly the objections do not now exist which formerly applied to the stationing of your Majesty's cruizers off the coast of Cuba for the purpose of intercepting slavers engaged in this unholy and most hateful and abhorrent traffic; and your Memorialists have reason to cherish the conviction that, should this mode of dealing with the case be adopted by your Majesty's Government, it would speedily prove completely successful, and the whole system of slavery and the Slave Trade, in connection with the Island of Cuba, would receive a fatal blow.

May it therefore please your Majesty to take this most solemn and important matter into your most gracious consideration, and so to instruct your Majesty's Government in reference to it, as that farther steps may be speedily taken for the final extinction of the accursed African Slave Trade throughout the whole world; and thus "hearing the groaning of the prisoner and loosing those that are appointed to death, the blessing of those who are now ready to perish and are doomed by man to die," will descend yet more abundantly on your Majesty's person and reign.

And your Majesty's Memorialists, as in duty bound, shall ever pray that your Majesty may be long spared, and still more highly honoured by the Father of Mercies, as the instrument of abounding blessing to the British Empire and to the world at large.

Lucia, Jamaica, August 1863.

(Signed)

H. A. WHITELOCKE, *Custos of Hanover, Jamaica.*

And 398 others.

No. 80.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, November 30, 1863.

I TRANSMIT to your Excellency, for your information, a copy of a despatch from Her Majesty's Consul at Zanzibar,* inclosing copies of a correspondence which has passed

between him and the Gérant of the French Consulate in that city upon the subject of the assumption of the French flag by Soorie Arabs who are in the habit of making periodical visits to the East Coast of Africa for the purpose of obtaining slaves for conveyance to the Persian Gulf. It appears that these Arab vessels are furnished with accurate registers, issued to them by the French authorities at Mayotte and Nossi-Bé, which entitle them to French protection, and thereby enable them effectually to evade the search of Her Majesty's cruizers on that coast.

The piratical tribes by whom the Slave Trade on the East Coast of Africa is now carried on will not be slow to take advantage of this state of things, and the effect will be to give a new impetus to the Slave Trade on that coast, which has of late years received a severe check and been considerably diminished by the exertions of Her Majesty's cruizers.

Her Majesty's Government feel assured that the Imperial Government will not countenance this abuse of the French flag for Slave Trade purposes, and I have accordingly to instruct your Excellency to bring this matter to the notice of the French Government.

I am, &c.
(Signed) RUSSELL.

MUSCAT.

No. 81.

Lieutenant-Colonel Playfair to Earl Russell.—(Received October 9.)

(Extract.)

Zanzibar, August 26, 1863.

I HAVE the honour to forward, for your Lordship's information, copies of the despatches I have addressed to the Government of Bombay on the subject of the Slave Trade.

Inclosure 1 in No. 81.

Lieutenant-Colonel Playfair to the Chief Secretary to the Government of Bombay.

(Extract.)

Zanzibar, May 23, 1863.

IN a former letter I reported my arrival at Zanzibar. After the first visits of ceremony were paid and returned, His Highness Sayid Majid granted me a private interview, at which we discussed several points, and foremost amongst these the question of the Slave Trade and the modification of the existing Treaty.

It is my pleasing duty to report that His Highness has, during the present season, evinced the utmost anxiety to fulfil his Treaty obligations; instead of succumbing to the insolent threats of the Northern Arabs, he has opposed them vigorously, and has even had recourse to arms to prevent them taking slaves from Zanzibar. Some he has flogged, one or two have been killed in resisting his soldiers, while others are even now in prison, and he has deprived them of upwards of 300 slaves whom they had purchased in the market, or kidnapped for embarkation on board their boats.

He assures me that he will continue to adopt like energetic measures, and in future he intends preventing the Northern Arabs from hiring houses at all in Zanzibar. If, says he, "the British Government could only prevent their leaving the Arab coast at all, I should be delighted, and the Slave Trade would be almost extinguished; but if they must come, they shall stay on board their boats, for I will not again permit them to reside on shore."

He has further conceded amost important point—he has ordered that all his boats engaged in the *bond fide* transport of slaves from port to port in his dominions shall have a Custom-house manifest stating the exact number on board, and he has permitted our cruizers to seize all boats contravening this order, or all in which a greater number are embarked than that specified in the manifest; thus, no doubt can exist regarding boats engaged in the transport of slaves as sanctioned by the Treaty, and such as are destined for exportation.

I think it would have a good effect, and would confirm His Highness in the decided course he has adopted, were his Excellency the Governor in Council to communicate to him, in a khareeta, the gratification with which he regards this altered policy.

I regret to state that His Highness the Sultan of Muscat appears to be engaged in the African Slave Trade. It is well known that a dhow captured by the "Ariel" at Melinda with 59 slaves on board was engaged in His Highness's service; the nacoda and crew of the dhow admitted the fact, the superior character of some of the slave girls lends probability to it, and if further proof be necessary I have in my possession a letter from His Highness bearing his seal, admitting that last season a boat carrying slaves for him was run on shore to avoid capture near Magdashooa, and calling on the Chiefs of that country, who are subjects of Sayid Majid, to restore and deliver them up to his agent, Sayid Mahomed ben Boo Beker, a native of Shehr.

I attach this letter in original, with an English translation.

A question of great difficulty now remains to be considered. Under date of the 7th of June last, Her Majesty's Principal Secretary of State for Foreign Affairs, addressing Colonel Pelly, refers him to previous correspondence, and desires him to propose to the Sultan of Zanzibar that orders should be given by His Highness prohibiting the transport of slaves from one portion of his dominion to another, and that His Highness should consent to the embodiment of the point in the existing Treaty; in other words, that while the status of slavery should remain unchanged in each separate portion of his dominions, no fresh supply of slaves should ever again be introduced, nor should the old ones be transported from one place to another.

I brought this to the notice of His Highness, and explained to him in detail what the desire of Her Majesty's Government was; but I received a reply to the effect that he was ever ready to listen to the English Government, but it was too much to expect that he should agree to a measure which must certainly prove his ruin. He was willing to take any steps in his power, or which we could suggest, to prevent the export of slaves from his dominions, but he really could not cut off the supply of slave labour from them.

It is for Her Majesty's Government to consider whether a measure should be forced on the Sultan which must inevitably cause the downfall of his House, or whether we should not rather await the time when the natural resources of Zanzibar having been more fully developed, such a measure may be carried out with safety.

Although Nature appears to have lavished her choicest gifts on the island, man has done little to turn them to advantage. The revenue of the island consists almost entirely of the Custom duties levied on foreign trade, whereas by the introduction of European capital and enterprise the island might be made to yield valuable crops of sugar and cotton.

The Sultan is very anxious to encourage enterprize of this nature. He has already made arrangements with a planter of Bourbon, of a very liberal nature; he has assigned him an estate whereon to cultivate sugar, and provides him with labour on condition that the speculator furnishes his own machinery, and allows him half the profit of the concern.

He is anxious to extend this system, and already an English and a Hamburg firm have it in contemplation to accept his offer.

I mention this to show that there is by no means a remote prospect of the natural advantages of this island being turned to good account; but I feel assured that until this be done our efforts to effect a sudden revolution in the institutions of the country will prove most disastrous.

I trust that his Excellency the Governor in Council will approve of my taking no further steps to cause the Sultan to consent to an amendment of the Treaty until I receive further instructions.

Inclosure 2 in No. 81.

Lieutenant-Colonel Playfair to the Chief Secretary to the Government of Bombay.

(Extract.)

Zanzibar, August 26, 1863.

IN continuation of my letter dated the 31st ultimo, I have the honour to report, for the information of his Excellency the Governor in Council, that I have not been able to carry out my intention of visiting the ports in the Zanzibar dominions. The season is not favourable for doing so in the "Pleiad," and Captain Gardner, who had volunteered to take me in the "Orestes," received intelligence of a suspicious Spanish brig being at Mozambique, and hurried off in pursuit of her.

Early on the morning of the 1st instant the boats of Her Majesty's ship "Orestes" captured a small bedan, leaving the harbour of Zanzibar, with 64 slaves on board; these were owned by a party of Joasmee Arabs, who were conveying them to Pemba, there to await the opening of the season; they would then have been transhipped to a larger vessel and conveyed to the Persian Gulf.

The present case was one of more than ordinary atrocity. The Gulf Arabs, finding it difficult to obtain cargoes of slaves by open purchase, have adopted the economical expedient of kidnapping all on whom they can lay hands. In this instance the majority of the slaves belonged to residents at Zanzibar, and had either been decoyed into their captors' possession by temptation, or taken by force.

Two of them belonged to a respectable Arab of this city; they had been seized and gagged on their way home from market: the elder offered considerable resistance; he was, on this account, mercilessly murdered in the presence of numerous witnesses, and his body was cut in pieces and thrown into a cesspool.

After the capture of the bedan his comrade reported what had taken place, and I immediately waited on His Highness and represented very strongly the necessity for making a severe example, as the Arabs in question had committed the triple crime of murder, robbery, and disregard of the Slave Trade regulations.

His Highness admitted the propriety of my suggestion, and said that on Friday (it was then Monday the 3rd instant) the actual murderer should be executed, and the rest condemned to imprisonment.

Later in the day he wrote me to the effect that many of the slaves had been stolen from their legitimate owners, and he hoped that if any were proved to be such, I would restore them.

I replied that the question of restoring the slaves rested with Captain Gardner, their captor; that the ordinary maxim of municipal law which requires that stolen property should always revert to its rightful owner could not hold good in the present instance; the slaves in question were captured at sea, on their way to a slave-market; that the moment they trod the deck of the "Orestes" they became free, and we could not, consistently with our law, restore to slavery those whom we had been instrumental in liberating. This was the opinion expressed by Captain Gardner, and I fully concurred with him.

I received no reply to this letter, but on the day appointed for the execution His Highness sent his Secretary to say that Friday being the Mahomedan holiday, it had been deferred till the following morning. Saturday and several other days passed without any execution having taken place; and on the 18th instant I wrote to request that he would let me know, for the information of Government, what decree he had made in the case, as it was provided in the Treaty that all who export slaves, contrary to its provisions, should be severely punished.

He replied that as I had stated that the question of restoring the stolen slaves rested with Captain Gardner, he had deferred the case till the return of the "Orestes."

I may mention that the proposal to execute the murderer emanated from Sayid Majid. I was glad that he showed so much decision, and I knew that it would produce a most salutary effect: at the same time it was not a point that I could have insisted on; the murder was simply a criminal offence, which had no connection with our Treaty relations with His Highness. Moreover, according to Mahomedan law, a free man cannot be executed for the murder of a slave.

On the 20th instant the "Orestes" returned to Zanzibar, and Captain Gardner and I waited on His Highness; we explained to him how impossible it was to restore any of the slaves, although they had been captured within three miles of his coast, and therefore in his waters. He could not be convinced that we were right, and I promised to solicit the opinion of Government on the question, whether, should a man-of-war make a capture within his waters, and any of the slaves on board should prove to have been kidnapped from their legal owners at Zanzibar, we can be called upon to surrender them like any other stolen property?

It appears to me monstrous to suppose that Her Majesty's vessels especially engaged in the suppression of the Slave Trade can be expected to act as police for the recovery of stolen slaves, when the Government of the country is too weak to prevent them being stolen and exported.

I insisted that His Highness should punish severely the Arabs who owned this boat and had kidnapped the slaves, and he assured me he would imprison them for life. I expressed a hope that he would not include them in the general release of prisoners he is in the habit of making each Ramazan, his answer was:—"When you intercede in their behalf I shall release them, but not till then."

I have further to report that on the 14th instant I received information that a boat was on the point of starting with a cargo of slaves, there was no vessel of war in the harbour, and it was too late at night to communicate with His Highness, but the soldiers consented to act upon my request and the boat was seized. The greater portion of the slaves were secreted on shore, but nine were found on board; these with the boat were confiscated by His Highness, and the crew were imprisoned.

Inclosure 3 in No. 81.

The Sultan of Muscat to the Sultans of the protected Bunders (viz., Merka, Magdeshooa, and Brawa).

WE inform you that last year a bedan went ashore at Magdeshooa, with slaves in her, belonging to us. Now, our beloved Sayid Mahommed is sent to you, and we desire that

you will make them over to him wherever they may be, and give them into the hands of the Sayid Mahommed above mentioned. We only mention this in the way of friendship ; this is what is required between us.

Inclosure 4 in No. 81.

Lieutenant-Colonel Playfair to the Chief Secretary to the Government of Bombay.

(Extract.)

Zanzibar, June 15, 1863.

I EMBRACE the opportunity of a vessel proceeding to Bombay, to report for the information of his Excellency the Governor in Council that my relations with his Highness Sayid Majid continue on the most friendly footing.

2. I have recently had several interviews with him, and have induced him to assent to two measures of great importance, the first towards the suppression of the Slave Trade, and the second for the improvement of his dominions.

3. The months during which the exportation of slaves is carried on are January, February, March, and April, and his Highness has consented to prohibit the transport of slaves entirely during that period, even from port to port in his own dominions. If this be carried out in good faith the Northern Arabs will find great difficulty in obtaining slaves in any number, and every boat found by our cruisers with slaves on board will be a legal capture.

No. 82.

Lieutenant-Colonel Playfair to Earl Russell.—(Received November 21.)

My Lord,

Zanzibar, September 20, 1863.

I HAVE the honour to bring to your Lordship's notice a new phase in the Slave Trade on this coast, which threatens to paralyze the operations of our cruisers for its suppression.

2. The Soorie Arabs have had recourse to every possible expedient to escape the search of our vessels. Last season, instead of coasting northwards according to their usual custom, they sailed in small fleets and stood out to sea, every eight or ten boats being provided with a person qualified to navigate out of sight of land. This will hardly succeed a second year, and of that they are well aware, and some new expedient is necessary.

3. This they have found in the protection of the French flag. They are well aware that under it the right of search is denied to us, and it has now become the great object of their desire to obtain a French register.

4. I attach copies of a correspondence which has passed between the Gérant of the French Consulate at Zanzibar and myself on the subject. In my first letter I have stated that I was assured that the boats alluded to were engaged in legitimate commerce, and so far, it is true, that they are, and I do not doubt that the French authorities have full belief in that alone being their object; but further inquiries have altered my opinion considerably, and a glance at the character of the boats now in port will, I doubt not, convince your Lordship, as it has convinced me, that the French character has been assumed for no other reason than to secure them an opportunity of continuing their nefarious Traffic unmolested by our cruisers.

5. the boats now in port are—

(1.) A bugalow belonging to Mahommed-bin-Nasir, a native of Soor, who has never resided in any French Colony, and has only visited Nossi Bé occasionally for the purpose of trade. This, indeed, may be said of them all.

(2.) A bugalow belonging to Ahmed-bin-Saeed, also a native of Soor.

(3.) A bedan belonging to Ahmed-bin-Salim, of Soor. The owner is known to have taken a cargo of slaves from this coast to Soor in 1860, and Colonel Rigby reported this fact to His Highness Sayyid Majid.

(4.) A bugalow belonging to Mahommed Mobarak and Saleem, of Soor. The former is a notorious slave-dealer, and had a contract with M. Mas for the supply of slaves for the Cuban market; in this service he had eleven boats engaged.

(5.) A bugalow belonging to Mahommed-bin-Ahmed, a Soorie, from Ras-el-Had.

(6.) A kanja belonging to Salim Saeed-el-Hajeree, a native of Soor, who is known to have taken a cargo of 200 slaves from Kilwa.

(7.) A bugalow belonging to Wuhed Esh-Shervi, of Soor.

(8.) A bugalow belonging to Rashid-el-Murzooki, of Soor.

(9.) A kanja belonging to Mahommed-bin-Ahmed Bardthawan, of Shehr, a notorious slave-dealer, belonging to a more notorious slave-port.

(10.) The kanja belonging to the natives of Kutch, alluded to in my second letter to M. Jablonski.

6. That these men have any real claim to French protection it is impossible to believe, but so great is the facility of obtaining registers at Nossi Bé and Mayotte, that I confidently expect that every slave-dealer who can manage to make one or two preliminary voyages to those Colonies will thenceforth be able to carry on the Slave Trade without fear of interruption ; at least he will run a single cargo, and if he succeeds in that, he can afford to burn his vessel and commence *de novo*.

7. M. Jablonski states that he cannot see in what respect the presence of French boats can embarrass our officers engaged in the suppression of the Slave Trade, and he quotes the Convention of the 31st March, 1859. A single paragraph from that document sufficiently answers his objection :—

“7. To inquire into the nature of the cargo, or the commercial operations of the vessel, or any other fact, in short, than that of the nationality of the vessel, is prohibited ; every other search and inspection whatever is absolutely forbidden.”

I have, &c.

(Signed) R. L. PLAYFAIR.

Inclosure 1 in No. 82.

Lieutenant-Colonel Playfair to M. Jablonski.

Sir,

Zanzibar, September 14, 1863.

I HAVE the honour to inclose an extract of a letter to my address from His Highness Sayyid Majid, complaining of the act of certain boats of Her Majesty's ship “Orestes.”

2. The complaint, if well grounded, is a very legitimate one, and it will be carefully investigated ; but my object in now addressing you is to call your attention to what I cannot but observe, to what is patent to every resident at Zanzibar, and to what Sayyid Majid himself admits—that the flag of France is used by vessels at this port which have no claim whatever to its protection.

3. It may be, and doubtless is true, that some of the complaints made against vessels of Her Majesty's navy are not altogether groundless, although in the performance of so difficult and disagreeable a duty as that of suppressing the Slave Trade, mistakes cannot always be avoided, but it is no less true that it has become the expressed object of vessels engaged in the Slave Trade to obtain the protection of the French flag, as a means of ensuring them that security which their own cannot afford.

4. That they usually succeed in obtaining their desire I do not assert or believe ; on the contrary I am assured that most of the Arab vessels now sailing under French colours are engaged in legitimate commerce : but exceptions do occur, and one has been officially reported to this Agency and to Her Majesty's Government by the Commander of the “Ariel.” Certainly the practice offers great temptation to a race not remarkable for its scrupulousness, to abuse the privilege conferred upon them.

5. I am not aware what the law of France may be regarding the grant of registers, or whether the Government of His Imperial Majesty approves of the use which is made of the French flag at Zanzibar, but I believe that the laws of all civilized nations are very similar in this respect, and that a vessel, to obtain the flag of any country, must be owned, *bond fide*, by a subject of it.

6. That such is not the custom here I need hardly point out to you ; it would not be difficult to prove that most of the boats now in harbour under the French flag are in reality owned by natives of the African and Arabian coasts. How they obtain the privilege I cannot say, possibly through the fiction of representing the owner to be a native of Mayotte, but that the name thus used is merely the *nominis umbra* is thoroughly understood.

7. The inconvenience likely to arise from this system, and the difficulties and embarrassment it will present to officers of the Royal Navy engaged in the suppression of the Slave Trade, are so great, that it will be necessary for me to bring the matter to the notice of Her Majesty's Government. I would therefore beg the favour of your informing me whether such dhows receive their French papers at your office, or, as I suspect is sometimes the case, at Madagascar, and what constitutes a title to the privilege of using the French flag.

I have, &c.

(Signed) R. L. PLAYFAIR.

Inclosure 2 in No. 82.

The Sultan of Zanzibar to Lieutenant-Colonel Playfair.(Translation.)
(Extract.)23 *Rubeeah-el-ewvel* (September 8, 1863).

TO-DAY a complaint has reached me from Pemba, that Government boats are cruising there, and that they (*i. e.* their crews) land on shore, and whenever a slave runs away they take him from his master. If Government boats continue this practice most of the Arab boats will place themselves under French protection, as has been done, and only for the reason I have mentioned.

Inclosure 3 in No. 82.

Lieutenant-Colonel Playfair to M. Jablonski.

Sir, Zanzibar, September 14, 1863.

SINCE the dispatch of my previous letter of this day's date, it has come to my knowledge that a kanja (native boat) named "Baroongoo" (?) belonging entirely to subjects of the British protected State of Kutch, and therefore to individuals entitled to all the rights and privileges of British subjects, is in the harbour of Zanzibar with French colours and a French register, obtained at Nossi Bé.

2. I should esteem it a favour if you would permit me to inspect the papers of the said kanja.

3. I inclose copies of the depositions of one of the owners, and of the agent of the other, in order that you may be aware of my grounds for making the above statement.

I have, &c.
(Signed) R. L. PLAYFAIR.

Inclosure 4 in No. 82.

Deposition of Sewjee Mahommed.

Appearance and depositions of Sewjee Mahommed, on solemn affirmation, before me, Lieutenant-Colonel Robert Lambert Playfair, Acting Political Agent at Zanzibar, this 14th day of September, 1863, who saith:—

I am a British subject, and usually reside in Kutch, in Hindostan. I have lately come from the French Colony of Nossi Bé. The kanga "Baroongoo," now in the harbour of Zanzibar, under French colours, belongs half to me and half to Suleiman Jooma, also a resident of Kutch, and a sepoy of the Rao. The share of Suleiman was purchased with the money of a Bhattia named Ketu Ludda, also a resident of Kutch, and therefore I presume the last-mentioned is the real owner of the second half of the kanja. No other party has any share or interest in it.

Suleiman has a wife belonging to the French Settlement of Nossi Bé, but he himself is not a French subject.

Suleiman obtained a French register for the said kanja in Nossi Bé.

Mark ✕ of SEWJEE MAMOMMED.

Before me, the date first before written,
(Signed) R. L. PLAYFAIR.

Inclosure 5 in No. 82.

Affirmation of Khimjee Damjee.

Appearance and Deposition of Khimjee Damjee, on solemn affirmation, before me, Lieutenant-Colonel R. L. Playfair, Acting Political Agent, Zanzibar, this 14th day of September, 1863, who saith:—

I am a native of Kutch, and represent here the firm of Ketu Ludda, also of Kutch. I know the kanga now in the harbour of Zanzibar, under French colours, but not its name.

Ketu Ludda has an interest in the said kanja, but he has not written to me to say how much that interest is. Suleiman, a sepoy of the Rao of Kutch, purchased it in Nossi Bé, but he has now returned to Kutch.

I believe that Sewjee Mahommed also has an interest in the said kanga, but I have no certain knowledge of the fact.

I never heard that any French subject had an interest in the said kanga.

Signed in the Guzerattee character by

KHIMJEE DAMJEE.

Before me, the date first before written,

(Signed)

J. L. PLAYFAIR.

Inclosure 6 in No. 82.

M. Jablonski to Lieutenant-Colonel Playfair.

(Translation.)

M. le Consul,

Zanzibar, September 15, 1863.

I BEG to acknowledge the receipt of the letter which you have done me the honour to address to me of yesterday's date, on the subject of the nationality of the French boats which frequent this port.

All the boats which carry the French flag are furnished with papers in proper order, delivered to them in our Colonies, stating that they belong to Frenchmen. Their papers are all visé at this Consulate on arrival and departure.

It is true that the proprietors and Commanders of these boats are all of Arab or Sowaheli origin, but I have the honour to make you aware that the condition of French citizen is obtained not only by birth, but by benefit of the law, namely, by naturalization, and that a stranger, associated with a Frenchman, may be the proprietor of a French ship.

I abstain from citing here our laws concerning the enjoyment of civil rights and the "francisation" of boats, because it is impossible for me to admit that a French authority, in matters concerning those under him, can submit to any control other than that of His Imperial Majesty's Government.

His Highness himself cannot object to this state of affairs, because he has declared to us in writing that there is no law which prevents any of his subjects expatriating himself.

I do not see, M. le Consul, in what respect the presence of French boats can occasion embarrassment to officers commanding vessels of Her Britannic Majesty engaged in the suppression of the Slave Trade. The Convention dated the 31st March, 1859, of which I have the honour to transmit you a copy, regulates the conduct to be pursued, as well on the high seas as in those of a neutral country.

I have, &c.

(Signed) H. JABLONSKI.

Inclosure 7 in No. 82.

M. Jablonski to Lieutenant-Colonel Playfair.

(Translation.)

M. le Consul,

Zanzibar, September 15, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 14th instant, demanding explanations on the subject of the French boat "Ambanourou," in which certain subjects of Her Britannic Majesty pretend to be co-partners, and I beg to inclose an authenticated copy of the "acte de francisation" of this boat.

As you may convince yourself, the sole legal proprietor of this boat is a French subject, named Sélémani bin Djouma, domiciled at Ambanourou. I do not know what title this person may unite with that of a French citizen; if he was born at Kutch, as is stated in the deposition which you did me the honour to transmit, it is evident that, having complied with the necessary formalities prescribed by the law of the Empire, he has demanded and obtained French naturalization.

I regret, M. le Consul, not to be able to give effect to the depositions of Sewjee Mahommed and Kimjee Damjee; the simple affirmation does not, according to our law, constitute a title to property. That affair is entirely the concern of the tribunals of Nossi-Bé, the domicile of the defendant, and I do not doubt, if it be true that this individual has deceived the aforesaid subjects of Her Britannic Majesty in taking their money

and making them believe that they were admitted into partnership in the boat, that prompt justice will be rendered them.

I have, &c.
(Signed) H. JABLONSKI.

Inclosure 8 in No. 82.

Extract of "Acte de Francisation des Batiments de Commerce Français."

(Translation.)

French Colony of the Island of Mayotte and its Dependencies.

In the name of the Emperor of the French, the Commandant of Nossi-Bé declares that the Sieur Sélémani bin Djouma, "Français domicilié" at Ambanourow, is entitled to be the proprietor of the boat "Ambanourow," below described, which has been registered at the port of Hellville (Nossi-Bé).

The said boat having been previously measured, and found to be, &c.

(Here follows measurement, &c.)

Seen—The Acts establishing that the said boat is French property, and that the oath has been received;

Seen also—The recognisance and the security bond deposited in the Post Office, Nossi-Bé, on the 27th of November, relating to the registry of "Francisations," exceptionally granted in the Colony;

The present Act is given by us in order to confer the privilege of navigating under the French flag.

In consequence we pray and require all Sovereigns, &c.

No. 83.

Earl Russell to Lieutenant-Colonel Playfair.

Sir,

Foreign Office, November 30, 1863.

THE Secretary of State for India has communicated to me a copy of a despatch dated the 18th of May last from Brigadier Coghlan to the Secretary to the Government of Bombay, inclosing copies of two Treaties concluded with the Chiefs of Maculla and Shuhar for the suppression of the Traffic in Slaves within their territories.

I transmit to you copies of the Treaties in question, together with an extract from Brigadier Coghlan's despatch, by which you will see that Silah bin Mahomed and Ali bin Najee, the Nukeeb of Maculla and Shuhar, on signing these Treaties, expressed a wish that the Sultans of Muscat and Zanzibar might be informed of the engagements which they had contracted towards Her Majesty's Government, and that Brigadier Coghlan promised that the Chiefs' wishes should be attended to.

I have accordingly to desire that you will take an opportunity of informing the Sultan of Zanzibar of the engagement concluded by these Chiefs with Her Majesty's Government.

I am, &c.
(Signed) RUSSELL.

Inclosure 1 in No. 83.

Brigadier Coghlan to the Chief Secretary to Government, Bombay.

(Extract.)

Aden, May 18, 1863.

LEAVING Bunder Muryah on the 12th instant, I crossed the Gulf of Aden to Shuhur on the Arabian coast. The hope of concluding a Treaty with the Nukeeb of this port, and also with the Nukeeb of Maculla, has been long cherished by me; but it always happened formerly that, just as I was on the point of setting out to confer with these Chiefs, some impediment arose to mar my scheme,—either I was detained at Aden by pressing business there, or my ship was suddenly called away on other duty. My design, however, is at last accomplished.

These two independent ports, Maculla and Shuhur, are the principal slave-depôts or entrepôts on these coasts; it is at either of them (but chiefly at Maculla) that the slaves brought from the East Coast of Africa, from Zanzibar, from the Somali and the Donkali ports, are lodged, pending despatch to their final destination, in the Yemen, in the Hedjaz, or in the Persian Gulf. The Slave Traffic constitutes a considerable portion of their revenue, and the institution is so blended with their interests, their prejudices, and even their religion, that I entertained more of hope than of expectation when I presented the question to them.

Hence I was not surprised at my proposal being somewhat coldly received by Ali Najee, the Nukeeb of Shuhur. He was willing, he said, to oblige Her Majesty's Government, he had no interest in the Slave Traffic, as little or none came to his port; but with regard to making a Treaty on the subject, it had always been his rule to follow the example of Maculla; he would do so in this instance, and therefore until he could ascertain the mind of the Nukeeb of that place he must decline to make any engagement with me.

I lost no time in proceeding to Maculla, where I was received by the Nukeeb Silah bin Mahomed with the usual courtesies and with a friendly cordiality which the tone of his correspondence with me during the last eight or nine years led me to expect. He entered frankly on the subject of my visit, discussed the effects of the proposed Treaty with intelligence, and having himself suggested a clause postponing the operation of the engagement for twelve months, in order that due notice may be given to all concerned, he concluded the Treaty which is herewith forwarded in original with an English translation.

Silah bin Mahomed expressed his wish that their Highnesses Seyed Thoweynee of Muscat, and his brother Seyed Majid of Zanzibar, should be informed of this engagement by Her Majesty's Government. I felt no difficulty in promising that this should be done, and I accordingly solicit Government to redeem my pledge.

Cheered by this success at Maculla, I returned to Shuhur, where, without any difficulty worth mentioning, I obtained the assent of the Nukeeb Ali Najee, who stipulated only for the same interval of time as had been agreed on with Silah bin Mahomed of Maculla. He intimated a desire also that Her Majesty's Government should communicate this Treaty to the Governments of Muscat and Zanzibar, and I engaged that his wish should be complied with. The original Treaty in Arabic, with an English translation, is herewith forwarded.

Thus these two noted independent slave-depôts are brought legally under the control of Her Majesty's Government, with whom it now rests to give effect to the compact made with each. At present we are without any means to that end. Slaves may be and are carried by thousands to the Turkish ports in the Red Sea and to the Persian Gulf, and we have not a single vessel available to interrupt the traffic. The scale on which that traffic is conducted is enormous. So long as I had two or three vessels of the Indian navy at my disposal I was able to give a very material check to the export from the Somali Coasts, and if I could not wholly prevent it I at least rendered it exceedingly hazardous, but the withdrawal of these vessels leaves the coasts absolutely clear of every obstruction, and as long impunity will assuredly beget confidence, it is to be feared that if vigorous measures be not adopted to enforce our Treaty obligations the traffic will revive and the Treaties might as well never have been made.

Inclosure 2 in No. 83.

Treaty with the Nukeeb of Maculla.

(Translation.)

In the name of the most merciful God, and Him we implore.

THE reason of writing this bond is, that influenced by motives of humanity, and by a desire to conform to the principles on which the great English Government is conducted, we lend a willing ear to the proposals of our sincere friend Brigadier William Marcus Coghlan, Governor of Aden, that we shall covenant with him to abolish and prohibit the export and import of slaves from or to any part of our territory to any other place in Africa or in Asia or elsewhere.

Therefore I, whose name and seal are set to this bond, do in the sight of God and of men solemnly proclaim my determination to prohibit the export or import of slaves by every means in my power. I will neither export nor import any myself, nor will I permit my subjects to do so, and any vessel belonging to my subjects found carrying slaves shall

be seized and confiscated by me or by any ship belonging to Her Majesty the Queen of England, and the slaves shall be released. Peace!

This covenant is to have effect at the expiration of one year from this date. Peace!

(Signed)

SILAH MAHOMED.

W. M. COGHLAN, *Political Resident, Aden.*

Maculla, May 14, 1863.

Witnessed:

(Signed)

OMAR BA SALIM KAISAN.

H. RASSAM, *Assistant Political Resident.*

Dated 25 Dhee Alckada, 1279.

Inclosure 2 in No. 83.

Treaty with the Nukeeb of Shubar.

(Translation.)

In the name of the most merciful God, and Him we implore.

THE reason of writing this bond is that, influenced by motives of humanity, and by a desire to conform to the principles on which the great English Government is conducted, we lend a willing ear to the proposals of our sincere friend Brigadier William Marcus Coghlan, Governor of Aden, that we shall covenant with him to abolish and prohibit the export or import of slaves from or to any part of our territory to any other place in Africa or in Arabia or elsewhere.

Therefore I, whose name and seal are set to this bond, do in the sight of God and of men solemnly proclaim my determination to prohibit the export or import of slaves by every means in my power. I will neither export nor import any myself, nor will I permit my subjects to do so, and any vessel belonging to my subjects found carrying slaves shall be seized and confiscated by me or by any ship belonging to Her Majesty the Queen of England, and the slaves shall be released. Peace!

This covenant is to have effect at the expiration of one year from this date. Peace!

(Signed)

ALI BIN NAJEE.

W. M. COGHLAN, *Political Resident at Aden.*

Shuhar, May 14, 1863.

Witnessed:

(Signed)

MAHOMED BIN AHMED BIN MATRAF.

H. RASSAM, *Assistant Political Resident.*

Dated 25 Dhee Alckada, 1279.

No. 84.

Lieutenant-Colonel Playfair to Earl Russell.—(Received March 15, 1864.)

My Lord,

Zanzibar, November 16, 1863.

I HAVE the honour to forward, for your Lordship's information, extracts of my letter dated the 15th instant, to the Government of Bombay.

The passages omitted are merely descriptive or historical, and have no bearing whatever on the subject of the Slave Trade.

I have, &c.

(Signed)

R. L. PLAYFAIR.

Inclosure in No. 84.

Lieutenant-Colonel Playfair to the Chief Secretary to Government, Bombay.

(Extract.)

1. I HAVE the honour to report, for the information of his Excellency the Governor in Council, that, impressed with the importance of making myself well acquainted with the various countries around Zanzibar, especially those more or less connected with the Slave Trade, I left Zanzibar on my projected tour on the 8th of October.

2. I had intended proceeding at once to the south in the "Pleiad," but Commander Chapman, R.N., who purposed leaving the same day for Pemba, invited me to accompany

him in Her Majesty's ship "Ariel." I gladly availed myself of his kindness, and sent the "Pleiad" to await my arrival at Ibo.

3. We anchored off Chak-chak, the principal port of Pemba, on the morning of the 9th, and left on Sunday the 11th. These two days were occupied by the ship's boats in searching the numerous creeks and harbours for slave-dhows, and by Captain Chapman and myself in visiting the main and adjacent islands.

4. Next to Zanzibar, Pemba is the most considerable islands in the dominions of His Highness Sayid Majid, and produces considerable quantities of rice, manioc, fruit, and vegetables. It is cut up in every direction by creeks, which are much frequented by country craft engaged in the Slave Trade, while, owing to the numerous reefs and shoals, and to the imperfect survey of the island, they are quite impracticable for vessels of war. No slaves were found on this occasion.

5. It is more unhealthy than Zanzibar, and the mortality from fever is so great that it is a question whether it could be kept under cultivation were the supply of slave labour cut off.

11. We arrived at Ibo, or Weebo (where I found the "Pleiad" awaiting me) on the morning of the 18th. This is one of a numerous group of islands to the south of Cape Delgado, and capital of the district of the same name. It contains nearly 3,000 natives, but very few Europeans. There are twelve Banian merchants and one Frenchman, representing the well-known firm of Regis Ainé, of Marseilles, a house once deeply engaged in "free engagé" trade.

12. The town is clean, and the houses, though poor, are neatly built and kept, but its aspect is most depressing. The Governor assured me that it had an important trade in ivory, copal, &c., but assuredly one could not divine this fact from the appearance of the town. There were very few dhows in the harbour, no signs of life or commercial activity in the streets. The European and half-caste population appeared to a man to be miserable fever-stricken wretches, and the only signs of work I observed were the processions of prisoners or refractory slaves engaged in carrying building material for the public works in course of erection.

14. From Ibo I proceeded to Mozambique, where I arrived on the morning of the 21st, and remained till the afternoon of the 26th. I met with a very hospitable reception from the Governor-General, Brigadier João Tavaréz de Almeida, who invited me to reside at the Palace, and from one of the principal merchants of the city, with whom I spent two days at his villa on the mainland at Cabaceira.

15. The city of Mozambique is situated on a sandy island, about a mile long and 300 paces broad. I was prepared by the Report of Captain Crawford, R.N., quoted in the last Blue Book on the Slave Trade, to find it "a heap of ruins," but I was agreeably surprised to find it clean and solidly built. The houses of the Europeans are large double-storied buildings, in excellent preservation, many of them superior to the best at Zanzibar; the public buildings are equally good, especially the Palace of the Governor-General, once the Jesuit College of San Paulo, which may fairly claim to possess a certain amount of magnificence.

39. The heavy duties and obstructive fiscal arrangements of the Portuguese have almost annihilated trade, and until very lately no traffic but that of ivory and slaves was deemed worthy of attention. Thanks to the energetic measures of the British Government and its cruisers, and, I firmly believe, to the uprightness and loyalty of the present Governor-General, Colonel João Tavaréz de Almeida, the Slave Trade has greatly decreased, though the desire to participate in its unholy gains remains unabated.

40. It is difficult, especially for a British official, to obtain correct information on this point, but it is commonly believed that two European vessels have succeeded in obtaining cargoes during the past twelve or fourteen months, while small numbers of slaves are constantly taken away by dhows, touching at unfrequented parts of the coast. One Spanish vessel, the "*America*," is now supposed to be watching for an opportunity to obtain a cargo. I left her at Zanzibar; she had previously remained some weeks at Mozambique, and she appears to be spending time, under the pretext of legitimate trade, till her consorts arrive. She was carefully searched by the Governor-General, but no conclusive proof of her character was obtained. I cannot refrain from recording that it was his Excellency who first communicated to our naval officers the fact of her presence on the coast, and his suspicions regarding her.

41. I do not entertain a doubt that his Excellency is sincere in his desire to prevent this execrable Traffic, but he meets with no support from his subordinates. In the last Blue Book, there is a correspondence on the subject, and in one of his despatches (pp 185, 186, 187) he indignantly denies that his subordinate officers are in any way concerned with it at the present day, whatever might have been the case formerly.

42. This despatch is dated 15th February, 1862, but in conversation with me, his Excellency frankly admitted that had his information been as correct then as it is now, he would have modified his language considerably.

43. The particular instance which has induced this change of opinion is as follows:—Major Carvalho, late Governor of Ibo, was an officer in whom he placed the utmost confidence; he was poor, but esteemed honourable, and he was on this account specially selected for the Government of Ibo.

44. Two months ago, on his death-bed, he called the Judge of Mozambique, and requested him to make his will; amongst other requests he made one that his effects should remain untouched for a period of two years. It was explained to him that this was impossible, and he died intestate. On an examination of his property one box was found to contain 20,000 dollars in gold, and a nominal list specifying the shares due to each of the public officers of Ibo on account of some particular slave-venture.

46. Slavery is sanctioned as a domestic institution, and I believe that with the single exception of the Governor-General, there is not a man in the province who has a free servant. As the law now stands, all slaves are to become free in 1878, but whether this will take effect without considerable exterior pressure is very doubtful.

47. My short residence at Mozambique does not enable me to speak authoritatively of the state of the domestic slaves. I was told that they are generally well treated; nevertheless I was forcibly struck with the difference between them and those at Zanzibar. The latter are the gayest and happiest class of the community, continually dancing and singing; for two days in the week they are allowed to work for themselves, and their manner is free and unconstrained. Here they never meet an European without making the deepest reverence; they address their masters with bated breath, and appear to stand in the greatest awe of them. It is true that a master may not, by law, beat his slave, but he may send him to the police to be beaten, or he may sentence him to imprisonment with hard labour in irons, on the public works, without cause shown before any legal tribunal.

49. I left Mozambique on the 26th October, and arrived at Mayotta on the morning of the 1st November.

56. The labourers on the sugar estates are principally negroes, who are imported from the adjacent islands and from Madagascar as “free engagés.” Whatever name may be given to the system by which these are procured, it is simply and undisguisedly a phase of the Slave Trade. Thus a planter desirous of obtaining a supply of labourers applies to the Commandant Supérieur, who appoints a delegate (invariably a private soldier of the garrison) to accompany him, say to Mohilla; there the necessary number of slaves are purchased from Arab dealers; they are then liberated and bound to serve their new masters for periods of not less than three and not more than five years. The average price paid for the slaves is 35 dollars, and by the time they are landed at Mayotta as “free engagés” they cost about 40 dollars per head. Their master is bound to pay them $1\frac{1}{2}$ dollars per mensem as wages, and to allow them a weekly ration of 12 lbs. of rice, with a small quantity of salt and butter.

57. These negroes are usually, if not always, brought by Arabs from the mainland of Africa to the various islands, whence they are shipped to Mayotta; they are then *bonâ fide* slaves, and it is certain that their purchase by the French, even though by this fact they become transmuted into “free engagés,” fosters and tends to perpetuate the Slave Trade. I do not propose any remedy for this, I merely state facts which no colonist at Mayotta will dispute.

58. I left Mayotta on the 3rd of November, and arrived at Pomoni in Johanna on the following morning; during the passage we met a boat at sea containing seven “free engagés,” who had fled from Mayotta in their master’s boat; they were in great distress, and it seemed doubtful whether they could reach their destination. They were received on board the “Pleiad,” and the boat was made over to Mr. Sunley, Her Majesty’s Consul at Johanna, to be returned to its owner.

59. These men called themselves slaves, and had evidently failed to appreciate their altered condition as “free engagés;” they said they preferred death to returning, and as they were found on the high seas I did not feel myself called on to restore them, even had I possessed the power to do so.

60. Colonel Pelly has left me little to say regarding this island, but I cannot refrain from adding my testimony to his regarding the marvellous results which the skill and energy of Mr. Sunley have produced, and the humanizing effects on the population which have followed.

61. He has already 300 acres of land planted with sugar cane, which produces upwards of 300 tons of sugar per annum.

62. Unfortunately he has been compelled to employ slave labour, but in so mitigated

a form as to rob it of all its terrors. The importation of slaves into the island has long ceased; it received a temporary stimulus from the "engagé" system, but that was of short continuance. The institution of domestic slavery of course prevails, and the climate of the island, unlike that of Zanzibar, Mozambique, &c., is so congenial to the African constitution that the births pretty nearly equalize the deaths; thus the supply of slave-labour is perpetuated.

63. Mr. Sunley hires these domestic slaves from their owners, paying the latter 1½ dollars per mensem, and a further allowance of from half a dollar to two dollars, together with food and clothing, is made to the slaves themselves. Out of the 230 men in his employment, not more than 50 are free men.

64. Her Majesty's Government deemed it impossible that a British Consul could be permitted to employ slave-labour in any form, and Mr. Sunley was given to understand that he must employ free men only, or resign his Consulate. He had sunk all his capital in the enterprize in which he was engaged, and finding it impossible to continue it without the assistance of slave-labour, he has accepted the latter alternative.

65. The loss to him is insignificant; his remuneration as Consul is only 150*l.* per annum, while his sugar plantation yields ten times that amount, but the loss to the public service will be far more serious.

66. Mr. Sunley's long residence here, and his sterling qualities have given him an influence in the councils of the King and his Chiefs, such as few Consuls succeed in obtaining; this has always been used for good, and the result is that the island, once noted for disaffection to its ruler, and for the intestine feuds amongst its Chiefs, has enjoyed uninterrupted tranquillity.

68. On the 9th of November, in company with Mr. Sunley, I steamed round to Mootscunoodoo, the capital, to pay my respects to the King. I was much pleased with His Highness, who appears to be a young man of considerable intellect and a fair English scholar.

71. I left Johanna on the morning of the 10th instant, and returned to Zanzibar on the 14th instant.

NETHERLANDS.

No. 85.

Earl Russell to Sir J. Milbanke.

Sir,

Foreign Office, January 21, 1863.

WITH reference to my despatch of the 29th of December last, I transmit herewith, for your information and for communication to the Netherlands Government, copies of a further despatch and its inclosures from Mr. Skelton, Her Majesty's Judge in the British and Netherlands Mixed Commission Court at Sierra Leone,* reporting the condemnation of the Netherlands barque "*Jane*," on a charge of being equipped for the Slave Trade, and inclosing copies of the proceedings in the case of this vessel.

I also inclose a copy of a letter from Commander Douglas of Her Majesty's ship "Espoir,"† which has been communicated to me by the Lords Commissioners of the Admiralty, reporting his reasons for detaining the "*Jane*," and containing information respecting two persons calling themselves passengers who were found on board this vessel.

I am, &c.
(Signed) RUSSELL.

No. 86.

Sir J. Milbanke to Earl Russell.—(Received February 28.)

My Lord,

The Hague, February 23, 1863.

I HAVE the honour to inclose herewith copy of a note which has been addressed to me by the Netherlands Minister for Foreign Affairs, in reply to those in which I transmitted to his Excellency the documents forwarded in the despatches of Mr. Skelton, Her Majesty's Judge in the Mixed Commission Court at Sierra Leone, to Her Majesty's Government relative to the seizure and condemnation of the Netherlands barque "*Jane*," on the ground of her being engaged in the Slave Trade.

I have, &c.
(Signed) J. R. MILBANKE.

Inclosure in No. 86.

*M. van der Maesen to Sir J. Milbanke.**La Haye, le 21 Février, 1863.*

LE Soussigné, Ministre des Affaires Etrangères, a eu l'honneur de recevoir les notes que Sir J. Milbanke, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, lui a adressées le 5 et 31 Janvier dernier, relative au navire "*Jane*," détenu et condamné pour avoir été engagé dans le Commerce d'Esclaves.

Le Gouvernement du Roi regrette qu'on ait abusé du pavillon Néerlandais pour se livrer à un Trafic également réprouvé par la morale que par les Conventions conclues à différentes époques entre les Pays-Bas et la Grande Bretagne; mais il se hâte d'ajouter qu'il favorisera autant que possible les recherches exactes et sévères auxquelles se livrera la justice. A cet effet les pièces de la procédure ont été déjà confiées aux mains du fonctionnaire compétent, avec ordre d'instituer des poursuites. Il est cependant probable que celle-ci n'aboutiront pas aussi longtemps que les prévenus ne seront pas retournés

* Class A, No. 2.

† Ibid., No. 92.

dans les Pays-Bas, et ne peuvent dès-lors être entendus par devant le Juge Neerlandais. Il résulte de ce qui précède, qu'il serait fort à désirer dans l'intérêt de la vindicte publique que le Gouvernement Britannique facilitât autant que possible le retour des dits individus, et voulût communiquer au Soussigné le projet qui pourrait surgir chez un ou plusieurs des prévenus de revenir dans les Pays-Bas.

Le Soussigné, &c.

(Signé)

P. VAN DER MAESEN DE SOMBREFF.

No. 87.

Earl Russell to Sir J. Milbanke.

Sir,

Foreign Office, March 18, 1863.

I TRANSMIT to you herewith, for communication to the Netherlands Government, a copy of a despatch from Mr. Skelton, Her Majesty's Judge in the Mixed Commission Courts at Sierra Leone,* inclosing an account sales of the Netherlands barque "*Jane*," condemned in the British and Netherlands Mixed Court of Justice on the 10th of December last, for being engaged in the Slave Trade.

I am, &c.

(Signed) RUSSELL.

No. 88.

Earl Russell to Sir J. Milbanke.

Sir,

Foreign Office, May 25, 1863.

WITH reference to your despatch of the 23rd of February last, inclosing a copy of a note addressed to you by the Netherlands Minister for Foreign Affairs, expressing a wish that steps might be taken by Her Majesty's Government to bring to justice the parties connected with the Netherlands barque "*Jane*," lately condemned by the Mixed Commission Court at Sierra Leone for being engaged in the Slave Trade, I transmit to you, for communication to the Netherlands Government, a copy of a despatch from Mr. Skelton, Her Majesty's Judge at that port,† inclosing the muster-roll of the "*Jane*," showing that only three of the crew besides the master were Dutch subjects; and further stating that the master of that vessel left Sierra Leone on the 19th of December last on board the British barque "*Venus*" for Antigua, and that no trace can be procured of the crew who are supposed to have shipped on board other vessels leaving Sierra Leone.

I am, &c.

(Signed) RUSSELL.

No. 89.

Mr. Ward to Earl Russell.—(Received November 30.)

My Lord,

The Hague, November 24, 1863.

WITH reference to your Lordship's despatch to Sir John Milbanke of the 29th December, 1862, instructing him to press the Netherlands Government to procure the punishment of the parties who may have been engaged in the slaving adventure of the Netherlands barque "*Jane*," I have now the honour to forward the copy of a note addressed by M. Van der Maesen de Sombreff to Sir John Milbanke on that subject.

His Excellency, after mentioning that a prosecution had been commenced against Captain Prince, the Commander of the "*Jane*," proceeds to state that the copies of the documents respecting the condemnation of the "*Jane*," were not considered sufficient by the Court at Curaçoa to procure the conviction of the accused; and accordingly requests that Her Majesty's Government will be pleased to order that the originals of the documents on which the Judgment of the Court of Sierra Leone was grounded, may be transmitted to him, together with a copy of the Judgment duly authenticated, for the purpose of furthering the ends of justice.

I have, &c.

(Signed) WILLIAM R. WARD.

* Class A, No. 10.

† Ibid., No. 11.

Inclosure in No. 89.

*M. van der Maesen to Sir J. Milbanke.**La Haye, le 20 Novembre, 1863.*

LE Soussigné, Ministre des Affaires Etrangères, a l'honneur de porter à la connaissance de Sir J. Milbanke la communication suivante, concernant l'affaire du navire la "*Jane*," qui a fait en dernier lieu le sujet des notes de M. l'Envoyé Britannique, du 28 Mai et 10 Juin derniers.

Le nommé B. A. Prince, capitaine de la "*Jane*," étant arrivé à Curaçao, le tribunal de cette île a d'après les ordres du Gouvernement du Roi, commencé des poursuites contre lui. Le dit tribunal regarde toutefois les copies de différentes pièces ayant rapport à la condamnation de la "*Jane*," que le Cabinet de la Haye lui a fait parvenir, comme insuffisantes pour la procédure criminelle en question, et se voit hors d'état de mener ces poursuites à bonne fin, à moins d'être mis en possession des pièces originales qui ont donné lieu à la confiscation du dit navire par la Cour de Justice Mixte de Sierra Leone.

Tout à cause de la gravité du méfait commis, que pour contribuer à prévenir qu'on n'abuse impunément du pavillon Néerlandais pour couvrir la Traite, le Gouvernement du Roi attacherait grand prix à voir les coupables subir la punition qu'ils méritent, et il est convaincu que le Gouvernement Britannique partage entièrement cette manière de voir.

Le Soussigné ose donc se flatter que le Cabinet de St. James voudra bien coopérer à l'atteinte du but désiré, en lui faisant parvenir en original, et légalisées par les autorités Britanniques compétentes, toutes les déclarations ayant servi à motiver l'Arrêt de la Cour de Justice de Sierra Leone, ainsi qu'un exemplaire authentique du dit Arrêt.

Le Soussigné, &c.

(Signé)

P. VAN DER MAESEN DE SOMBREFF.

NETHERLANDS. (Consular)—Rotterdam.

No. 90.

Consul Sir R. Turing to Earl Russell.—(Received January 6.)

My Lord,

Rotterdam, January 3, 1863.

WITH reference to my despatches of last year, on the subject of the Dutch barque "*Jane*," captured by Her Majesty's steamer "*Espoir*," on a charge of being equipped for the Slave Trade, I beg further to state that it appears that the master of the said vessel, Captain Prince, is a native of Curaçao, and that he endeavoured when here, in August last, to become a naturalized Dutch subject.

The Dutch Government, however, declined to meet his wishes in this respect, and he did not therefore succeed in obtaining papers of naturalization as a Dutch subject.

I have, &c.

(Signed)

R. F. TURING.

PORTUGAL.

No. 91.

Sir A. Magenís to Earl Russell.—(Received February 16.)

My Lord,

Lisbon, February 7, 1863.

I HAVE the honour to transmit herewith a despatch to your Lordship which I have received, under flying seal, from Mr. Hewett, Clerk to Her Majesty's Commissioners at Loanda,* containing the intelligence of the death of Mr. Gabriel, Her Majesty's Commissioner at that place, and which occurred at sea on the 14th December last.

I have, &c.

(Signed) ARTHUR C. MAGENIS.

No. 92.

Earl Russell to Sir A. Magenís.

Sir,

Foreign Office, February 20, 1863.

YOU will have learnt from the despatches from Mr. Hewett which have passed through your hands the decease of Mr. Edmund Gabriel, who, for a period of eighteen years, faithfully and ably performed the duties, first of British Arbitrator, and subsequently of British Commissioner in the British and Portuguese Mixed Commission Court at Loanda.

Mr. Hewett reports that, on the occasion of the interment of Mr. Gabriel, the Governor-General of Angola was represented by both his Aides-de-camp; and that, by his Excellency's orders, the honours due to the highest judicial authority were paid to Mr. Gabriel's remains. I have to desire that you will request the Portuguese Government to convey to the Governor-General and other authorities at Angola the acknowledgments of Her Majesty's Government for their attention and respect on this melancholy occasion.

I have at the same time to instruct you to acquaint the Portuguese Government that Mr. Watson Vredenburg, Her Majesty's Arbitrator in the Mixed Commission Court at Loanda, has been appointed to succeed Mr. Gabriel as Commissioner, and that he will leave England for his post by the packet appointed to take out the African mails of the 24th instant; and you will at the same time request that this appointment may be made known to the authorities at Angola.

I am, &c.

(Signed) RUSSELL.

No. 93.

Sir A. Magenís to Earl Russell.—(Received March 26.)

My Lord,

Lisbon, March 17, 1863.

I HAVE the honour to transmit herewith the copy of a note which, in obedience to the instructions contained in your Lordship's despatch of the 20th ultimo, I have addressed to the Duke de Loulé, expressing the thanks of Her Majesty's Government for the honours paid to the remains of the late Mr. Gabriel; and announcing the appointment of Mr. Vredenburg as his successor as British Commissioner in the British and Portuguese Commission Court at Loanda.

I have, &c.

(Signed) ARTHUR C. MAGENIS.

Inclosure in No. 93.

Sir A. Magenis to the Duke of Loulé.

M. le Ministre,

Lisbon, March 16, 1863.

I HAVE been instructed by Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, to request your Excellency to have the goodness to cause the acknowledgments of Her Majesty's Government to be conveyed to his Excellency the Governor-General and the other authorities at Angola for the attention and respect which were paid by them to the remains of the late Mr. Gabriel, British Commissioner in the British and Portuguese Mixed Commission Court at Loanda, on the occasion of the interment of that lamented gentleman, the particulars of which were duly reported to Her Majesty's Government by Mr. Hewett, Clerk to Her Majesty's Commissioners at that place.

I have also been instructed by Earl Russell to inform the Government of His Most Faithful Majesty that Mr. Watson Vredenburg, Her Majesty's Arbitrator in the Mixed Commission Court at Loanda, has been appointed to succeed the late Mr. Gabriel as Commissioner in the same; and that he was to leave England for his post by the packet appointed to take out the African mails on the 24th of last month.

I have further to request your Excellency to have the goodness to cause the appointment of Mr. Vredenburg to his new post to be made known to the authorities at Angola.

I avail, &c.

(Signed) ARTHUR C. MAGENIS.

No. 94.

Sir A. Magenis to Earl Russell.—(Received April 6.)

My Lord,

Lisbon, March 24, 1863.

WITH reference to my despatch of the 17th instant I have the honour to transmit herewith to your Lordship the translation of a note which I have received from the Duke de Loulé, acknowledging the receipt of my note to his Excellency expressive of the thanks of Her Majesty's Government for the attention paid to the remains of the late Mr. Gabriel; and informing him of the appointment of Mr. Watson Vredenburg as that gentleman's successor, and which formed the inclosure in my above-mentioned despatch.

I have, &c.

(Signed) ARTHUR C. MAGENIS.

Inclosure in No. 94.

The Duke of Loulé to Sir A. Magenis.

(Translation.)

Foreign Office, Lisbon, March 26, 1863.

I HAD the honour to receive the note which you were pleased to address to me, under date of the 16th instant, informing me of the appointment of Mr. Watson Vredenburg to the post of British Commissioner in the Mixed Commission at Loanda, and thanking, in the name of your Government, for the attentive manner in which the Governor-General of Angola and the other authorities had acted on the occasion of Mr. Gabriel's death.

In compliance with the wishes which you expressed, it is my duty to inform you that, under this day's date, I address myself to the Minister of Marine, not only in order that his Excellency may acquaint the aforesaid Governor-General with the contents of your said note, for the proper purpose, but also that he may be pleased to issue the necessary orders to the effect that Mr. Watson Vredenburg should be recognized by the authorities of the province in his new capacity of Commissioner.

I avail, &c.

(Signed) DUKE OF LOULE.

No. 95.

Earl Russell to Sir A. Mageniz.

Sir,

Foreign Office, April 13, 1863.

I TRANSMIT to you herewith a copy of a letter from Commander Hoskins, of Her Majesty's ship "Zebra,"* which has been communicated to me by the Lords Commissioners of the Admiralty, reporting that the Portuguese schooner "Mondego," belonging to Lisbon, which arrived in the River Congo from the Island of St. Thomas, ostensibly bound for Loanda, left that river on the night of the 21st of October last with 494 slaves on board.

I have to instruct you to communicate this information to the Portuguese Government, who will doubtless take steps to enforce the forfeiture of the bail bond which the owners of the "Mondego" must have given for the lawful employment of their vessel on her departure for the African coast. You will at the same time express the earnest hope of Her Majesty's Government that the Government of His Most Faithful Majesty will use their utmost endeavours to find out and to punish the parties engaged in this transaction. You will keep me informed of the measures that may be adopted by the Portuguese authorities for this purpose.

I am, &c.
(Signed) RUSSELL.

No. 96.

Earl Russell to Sir A. Mageniz.

Sir,

Foreign Office, May 8, 1863.

I TRANSMIT to you herewith, for your information, copies of a despatch and its inclosures from Mr. Hewett, the Clerk to Her Majesty's Commissioners at Loanda,† reporting the circumstances under which the Portuguese brigantine "Paquete de Mossamedes" was boarded and brought to an anchor by the boats of Her Majesty's ship "Torch" when leaving the harbour of Loanda on the 16th of December last.

I have communicated copies of Mr. Hewett's despatch and its inclosures to the Lords Commissioners of the Admiralty, and I will not fail to make known to you their Lordships' opinion on Commander Smith's proceedings as soon as I am in a position to do so.

In the meanwhile, however, I think it right to place you in possession of Commander Smith's version of this affair, in case the subject should be brought to your notice by the Portuguese Government.

I am, &c.
(Signed) RUSSELL.

No. 97.

Earl Russell to Sir A. Mageniz.

Sir,

Foreign Office, May 23, 1863.

I TRANSMIT to you herewith a copy of a despatch from Mr. Hewett, the Clerk to Her Majesty's Commissioners at Loanda,‡ reporting the capture, on the 26th of December last, by Her Majesty's ship "Wrangler," of a barque called the "Island Queen," fully equipped for the Slave Trade.§

I also inclose a copy of Commander Beamish's report of the capture of this vessel.

As this is the second prize taken within the last few months by Her Majesty's cruisers, equipped for the Slave Trade, to the southward of Loanda, there is much reason to fear that some organized scheme exists for exporting slaves from the Portuguese possessions in that locality, and the information contained in a report from Rear-Admiral Sir Baldwin Walker, of which I inclose an extract,|| gives additional ground for this suspicion.

I have accordingly to instruct you to call the earnest attention of the Portuguese Government to this matter, in order that any attempt that may be made to revive the

* Class A, No. 99.

† Ibid., No. 58.

‡ Ibid., No. 59.

§ Ibid., No. 105.

|| Ibid., No. 106.

exportation of slaves from the Portuguese possessions on the West Coast of Africa may be at once put a stop to.

I am, &c.
(Signed) RUSSELL.

P.S. June 8.—Since writing the above I have received a letter and its inclosure from the Admiralty, copies of which are annexed,* pointing out that the Slave Trade from the Portuguese possessions to the south of Loanda has revived to such an extent as to necessitate the employment of two cruizers on that part of the coast.

You will not fail to call the serious attention of the Portuguese Government to this subject.

R.

No. 98.

Earl Russell to Sir A. Magenis.

My Lord,

Foreign Office, May 25, 1863.

I TRANSMIT to you, for your information, a copy of a despatch from Mr. Hewett, the Clerk to Her Majesty's Commissioners at Loanda,† reporting the capture, by Her Majesty's ship "Zebra," of the Portuguese brigantine "*Liberdade*" on the 20th of November last, in the River Congo, and the steps taken by the Governor-General to enforce the forfeiture of the bail bonds entered into by her owners at St. Thomas.

I have to instruct you to bring this case to the notice of the Portuguese Government; and in doing so you will express the hope of Her Majesty's Government that the Government of His Most Faithful Majesty will omit no measures it may be in their power to take to bring to justice the parties engaged in this slave-trading transaction.

I am, &c.
(Signed) RUSSELL.

No. 99.

Earl Russell to Sir A. Magenis.

Sir,

Foreign Office, May 25, 1863.

WITH reference to my despatch of the 8th instant I transmit, for your information, the accompanying copy of a letter from the Lords Commissioners of the Admiralty, by which you will perceive that their Lordships wholly disapprove the conduct of Commander Smith, of Her Majesty's ship "Torch," in sending the boats of his ship to compel the Portuguese brigantine "Paquete de Mossamedes" to come to an anchor when that vessel was about to leave the harbour of Loanda in the month of December last.

I have accordingly to instruct you to express, in suitable terms, to the Government of His Most Faithful Majesty the regret of Her Majesty's Government at the conduct of Commander Smith, whose proceedings on the occasion in question you will state are wholly disapproved by Her Majesty's Government; and you will add that this disapproval will be communicated to Commander Smith by the Commander-in-chief of Her Majesty's naval forces on the African Station.

I am, &c.
(Signed) RUSSELL.

No. 100.

Sir A. Magenis to Earl Russell.—(Received June 12.)

My Lord,

Lisbon, June 5, 1863.

WITH reference to my despatch of the 25th of April of last year, I have the honour to transmit herewith to your Lordship the translation of a note, together with its inclosures, which I have received from the Duke de Loulé; by which your Lordship will perceive that the Governor-General of the Province of Angola declares that the

* Class A, No. 112.

† Ibid., No. 65.

statements which had reached Her Majesty's Government of a traffic in slaves as free labourers being carried on between Loanda and the Island of St. Thomas are unfounded.

I have, &c.
(Signed) ARTHUR C. MAGENIS.

Inclosure 1 in No. 100.

The Duke of Loulé to Sir A. Magenis.

(Translation.)

Foreign Office, Lisbon, May 22, 1863.

HAVING communicated to the Governor-General of the Province of Angola the contents of the note which you were pleased to address to me under date of the 24th of April of last year, as well as of the despatch from Her Britannic Majesty's Commissioners in the Mixed Commission Court at Loanda, copy of which was inclosed therein, with respect to the carrying of negroes from that Province to that of St. Thomas, the answer of the aforesaid Governor-General has been received in the Marine Department, an extract of which I have the honour to transmit to you.

By the aforesaid answer, both you and your Government will perceive in what manner the authorities of the same Province have acted in this question, and the utter absence of grounds for the charges which have been brought forward against them on this account.

I renew, &c.
(Signed) DUKE OF LOULE.

Inclosure 2 in No. 100.

The Governor-General of the Province of Angola to the Minister of Marine.

(Translation.)

(Extract.)

July 16, 1862.

I ACKNOWLEDGE the receipt of the copy of a note which your Excellency was pleased to forward to me, addressed to His Most Faithful Majesty's Government on the 24th of April last, by Her Britannic Majesty's Minister at the Court of Lisbon, inclosing copy of a despatch dated the 8th of January of this current year, addressed by Her Britannic Majesty's Commissioners in the Mixed Commission Court at Loanda to their own Government, respecting the transportation of negroes from this Colony to that of St. Thomas.

Your Excellency must already be in possession of the whole correspondence which has taken place between the General Government of Angola and the British functionaries; the subject is fully elucidated in this correspondence.

During the space of three months and six days alluded to in the note, there departed for St. Thomas 22 slaves, 78 libertos (freedmen), and 384 free Portuguese blacks, on board different vessels, as may be seen from the inclosed map, document No. 1, which has reference not to this period alone, but to the whole time which has elapsed since I took possession of the Government of this Province on the 7th of February, 1862, until the 2nd of this current month of July, the day of the departure of the steamer "D. Antonia," belonging to the Mercantile Union Company. The said map contains an account of the despatches, and lists which were forwarded to the Governor of the Province of St. Thomas, accompanying the individuals in question; as well as the answers of the said Governor, acknowledging the entry and appearance of the same individuals in their condition as slaves, free, and libertos (freedmen).

I send, together with the map, all the original documents which preceded the issuing of passports to those blacks who have proceeded on their voyage from this port of Loanda to St. Thomas during the period above-mentioned, with the exception of those having reference to three of them, which I forwarded to His Majesty's Government on the 5th of December last, in order that it might become acquainted with the mode of proceeding which has been followed.

No other blacks have left for St. Thomas beyond those referred to in the documents which I forward; and even all these did not proceed on their voyage, some of them having failed to do so after having taken their passports. From the said map and documents it may be clearly seen:—

1st. That no ship ever took more than 10 slaves, there being even a scrupulous care

not to allow libertos (freedmen) to be shipped, they not being excluded by the Treaty of the 3rd of July, 1842, whatever might be their number.

2ndly. That I never allowed more than 10 to be shipped, either of the former or of the latter.

3rdly. That all the other passengers are free men, who cannot be registered either as slaves or as libertos (freedmen), their condition of free men being stated, whenever the passengers are blacks, in the passports which are personally delivered to each of them. There is no occasion to issue a deed of manumission, or any other document, unless it should be declared that this ought to be done with respect to all citizens who are blacks.

If any of the black passengers appertained to the class of slaves, they remain free by the fact of their quitting this port with a passport as free men, and for this purpose all the individuals in question were properly guaranteed by an adequate surety; the Police Department in this city having previously declared them free to proceed in their condition of free men, those who are so, or noted down in the same condition those who are not so, in order that they may never again be considered as slaves in the Portuguese dominions, should their departure take place. In this manner the condition of slaves would be quickly abolished, were all masters to allow their slaves to depart, which neither did nor will happen.

At St. Thomas there neither is, nor can there be, any registration in the book of slaves or in that of libertos (freedmen), and whenever any negro has asked for a passport there, it has been granted to him by the Governor of St. Thomas, for the same reasons and in the same manner as I grant for that province.

Her Britannic Majesty's Government cannot be ignorant of the scrupulous care taken by His Most Faithful Majesty's Government in the execution of the Treaty, nor ignore the zeal which animates it for the suppression of the Slave Trade; it must be aware that in the Portuguese dominions there exists by law a registration of slaves, which the Government has ordered to be organized of its own good pleasure; and it ought further to know that slavery is abolished in the Portuguese dominions, in virtue of the Decrees of the 14th of December, 1854, and of the 29th of April, 1858, from those dates forward; that no more slaves are registered, and that no free men can be carried from one province into another for the purpose of being registered as slaves, or even as libertos (freedmen), who are, however, nothing else but free men liable to serve in a certain manner for the space of ten years,—a service, however, which, if they wish, it is left to their choice to select to whom and in what manner they are to perform it, looking out for another master who will indemnify their former one for that part of their services which they were still bound to perform, and making an agreement with the latter with respect to the conditions of their future services.

Nature has adapted a race of men for these regions, and if they cannot be peopled by free negroes, when blacks alone can resist the climate and apply to labour, what can be done to people them and cultivate them, when they are in want of cultivators? Are they to be condemned to be perpetually abandoned?

In my despatch of the 5th of May last, I reported to your Excellency the mode of proceeding of the Commissioner Edmund Gabriel, who after the legality had been recognized with which the patacho (ship) "*Liberdade*," as well as all the passengers which she took to St. Thomas in the month of April last, had been dispatched, went to the house of the owner of the said vessel to threaten him that she would be visited and captured. The vessel (patacho) sailed, was visited, and from the despatch noted down in the map, under No. 425 of the 3rd of May last, your Excellency will see that she arrived at St. Thomas.

Now, however, there occurs another fact, upon which I shall abstain from passing any comment, and proceed to submit it to the consideration of His Majesty's Government.

At this Office of the General Government the following letter from the agent of the Mercantile Union Company was received:—

"General Agency of the Mercantile Union Company;

Agent's Office at Loanda, July 5, 1862.

"Most Illustrious Sir,

"I have the honour to inform you, in order that you may communicate the same to his Excellency the Governor-General, that, from Lisbon, the agent of the Mercantile Union Company announces to me, in a letter of the 30th of May of this year, that the Directors of the same Company had come to the decision which is laid down in the paragraphs which I beg leave to transcribe in this place:—

"As you will perceive, in virtue of the Vth Article of the Treaty of the 3rd of July,

1842, copy of which I send you, it is forbidden to carry slaves beyond the number which is stipulated in the same Article; but I know that there has been an abuse going on in our steamers in carrying negroes from Loanda to St. Thomas, so much so that the British Minister has given us notice that the steamers of the Company might be captured on this account. In consideration of these circumstances this Direction has decided that not more than 10 negroes shall be received on board our steamers when accompanying any family removing to another place, and 2 for each farmer going from one point of Africa to another. With these exceptions we have given orders to the Commanders not to receive any more negroes beyond those stipulated in the contract, and in the conditions laid down in the same; because you must very well see that the credit and prosperity of the Company ought not to be risked for so insignificant a freight, you rendering yourself responsible for any infraction of what has been decided upon.'

"Although the Treaty has never been violated, and there never have been such abuses as those on which account the British Minister at Lisbon gave notice to the Mercantile Union Company, with the threat that their ships might be captured, and although not even so many slaves have been carried as the Directors allow their captains to take on board the steamers, I have thought proper to communicate to you what has been above transcribed, in order that you may inform his Excellency the Governor-General of the same.

"God preserve, &c.

(Signed)

"FRANCISCO ANTONIO FLORES.

"To the Most Illustrious the Secretary-General
to the Government of the Province of Angola."

In the despatch of the 8th of January above quoted, the British Commissioner alludes in terms of censure to the sale of negroes in Angola. Such a transaction is perfectly legal in the Portuguese dominions with respect to slaves who existed as such previous to the Decree of the 14th of December, 1854, as is also the case in conformity with the 4th Article of the said Decree with regard to the redemption of slaves imported overland into those dominions, they subsequently remaining in the condition of libertos (freedmen), under the safeguard of the Protecting Board, subject to ten years' service as a remuneration for the liberty which they have obtained. Any agreements that may take place with respect to the transmission of the services of the libertos (freedmen) are also equally legal.

Consequently neither Her Britannic Majesty's Government nor their Agents have any reason to be surprised at or censure the carrying on of these transactions made in conformity with the laws of the country, and without violating either the Treaty of the 3rd of July or the true principles of humanity and philanthropy, and all this is fully proved in the correspondence which has taken place between this General Government and the British Agents at Loanda.

These transactions are identical with those which, with slight difference of form, are carried on, as I am informed, with respect to the black labourers in the British Colonies, and even with respect to white men at different points of the globe, whenever they engage their services for a certain term under the mutual guarantee of the law.

It is not sufficient to state that frauds are committed, and that passports become mere pieces of paper, on the arrival of the steamers at St. Thomas, as may be read in the same despatch from the British Commissioner at Loanda; it is also necessary to prove that statement. If this were admitted, it would follow that no black citizen could be taken by sea from one point of the Portuguese dominions to another. This would indeed be the true state of slavery not for negroes alone but even for white men, and for the nation which possesses Colonies on the African Continent and Islands.

I cannot help clearing up a fact mentioned in the despatch from the British Commissioner Edmund Gabriel with respect to the compulsion used towards a negro, and one will be able to form an idea of the reliance which the information, unaccompanied by documents, which has been obtained upon the subject in question deserves.

During the whole period which has elapsed since the 7th of January, 1861, up to the date of this despatch, not a single negro has embarked for St. Thomas under compulsion. The negro Antonio Salvador, registered as a slave of Felix Correa da Silva at folio 146 of the Proper Book under the No. 5,392, obtained permission on the 18th of December, 1861, as is proved by the proper document, to proceed to St. Thomas, on board the steamer "Zaire," in the capacity of a free man, and his name was noted down as such at the police office for the same purpose on the 18th of October of the same year, under No. 624, as the aforesaid document shows. As this individual was a slave, and could not be reduced to the class of a free man without a violation of the right of property, a bond was drawn up at the General Office (document No. 2) by Ignacio Jozé de Moraes, jun.,

on the 18th of October, 1861, whereby the identity of the individual is guaranteed and bail given for his liberty, the surety engaging to indemnify the owner of the slave, who becomes free by the mere fact of departure, should any one appear in due terms claiming the indemnity; the said surety submitting, moreover, to any fine which may be imposed upon him.

I forward to your Excellency document No. 3, which is a copy of the registration respecting the negro Antonio Salvador; the remark of his having passed to a state of liberty is not put down under the head of remarks, because his departure for St. Thomas did not take place.

This negro preferred the state of slavery in the province of Angola to that of a free man at St. Thomas, under the same conditions in which a servant man is placed who is serving in a house having entered into a private agreement with his master. He ran away when he was going on board without any compulsion having been used. He did not even go on board or leave the port; and, consequently, the condition under which his liberty was given him was never realized. If the negro Salvador had gone away there would have been one free man more in the province of St. Thomas and a slave less in that of Angola.

For a negro to wound himself, or even to commit suicide, is a very common occurrence. On the 19th of this month a slave belonging to Dona Isabel Shap de Fabia, hanged himself without any reason, as he was very well treated by his mistress. It is not to be wondered at that a being in such a state of mind as the one to whom the British Commissioner alludes should be accompanied by police agents.

Had this negro, who was a slave in Angola, embarked for St. Thomas by order of the Government, in the condition of a free man, this would not be a violation of the Treaty of the 3rd of July. The Government might, if it thought proper, declare all slaves proceeding from Angola to St. Thomas to be free, indemnifying their masters, although, for all this, such a measure tending to the emancipation of negroes could not be put down as Slave Trade in disguise. If I am mistaken, the reason is, because the feeling of philanthropy and liberty in favour of the man of colour disappears in consequence of the fact that negroes go and apply themselves to the cultivation of the Province of St. Thomas.

In order further to enlighten your Excellency as to the mode of proceeding in Angola, I shall relate a fact which occurred with regard to the free negro Jozé Guese. This negro was ordered by the police to disembark on the 29th of January under No. 202, and he obtained a passport on the same date in order to proceed on his voyage to St. Thomas on board the steamer "D. Antonia," as it appears from the proper document. When he was already on board he reconsidered and came ashore, although he had made an agreement with Jozé de Jesus Rodrigues as to the conditions of his passage. On presenting himself to the Chief of the Police after a few days, he petitioned for leave to be given him to enlist into the Corps of Public Security, which was granted to him, and he is now serving in that corps under No. 117.

No concealment is made of any facts of this nature; everything respecting the slave Antonio Salvador, to whom the British Commissioner alludes, is stated in the Police Reports inserted in the official bulletins of this Province, Nos. 838 and 845. The name of Nazareth is given there to the negro slave, because he was thus known; and there is a mistake with respect to the name of the master, who is not Ruy Maltoso da Camara, as may be seen above.

Inclosure 3 in No. 100.

List of Negroes who have left Loanda for St. Thomas, since February 1861, up to this date.

Dates.	Vessels.	Number of Individuals and Conditions.			Communications made to the Governor of St. Thomas, forwarding the Nominal List of Negroes.	Replies to the same, from the Governor of St. Thomas.
		Slaves.	Libertos (freedmen).	Free.		
1861						
February 7	Steamer Estephania	3	7	12	Despatch No. 21 of February 2, 1861	
" 13	Brig Ancha	1	9	5	" 25 " 13, "	
April 4	Steamer Zaire	9	1	9	" 40 of April 4, "	Despatch No. 253 of April 20, 1861
" 19	Patacho (ship) Doudo	...	10	5	" 51 " 19, "	" 375 of May 15, "
" 28	Steamer Africa	...	5	17	" 58 " 25, "	" Ditto.
May 6	Ilhate (yacht) San Thomé	10	...	1	" 60 of May 6, "	" Ditto.
" 27	Steamer D. Antonia	3	7	20	" 67 " 27, "	" 594 of June 17, "
June 12	Brig Activo	...	10	10	" 74 of June 12, "	" 623 " 20, "
July 16	Steamer Don Pedro	...	6	10	" 83 of July 4, "	
August 7	Patacho 6 de Fevereiro	...	4	10	" 102 of August 8, "	" 1,085 of August 17, "
" 10	Steamer Estephania	...	4	2	" 103 " 8, "	" Ditto.
" 10	Patacho Emilia de Lisboa	...	10	15	" 108 " 10, "	" 1,147 of August 26, "
" 10	Patacho Doudo	...	10	6	" 109 " 10, "	" 1,279 of September 19, "
September 7	Steamer Africa	...	4	2	" 133 of September 7, "	" 1,293 " 20, "
" 30	Patacho Estrella d'Ouro	...	3	7	" 143 " 30, "	" 1,416 of October 28, "
" 30	Steamer D. Antonia	...	10	50	" 144 " 30, "	" Ditto.
October 2	Brig Andorinha do Tejo	...	10	12	" 146 of October 2, "	" Ditto.
" 11	Patacho Doudo	...	...	5	" 160 " 11, "	" 1,567 of November 20, "
" 13	Steamer Zaire	...	2	8	" 153A " 18, "	" 1,569 " 22, "
November 18	Patacho Doudo	...	10	10	" 160 " 18, "	" 1,567 " 22, "
" 30	Brig Taruço 2	...	10	20	" 161 of November 30, "	" 1,658 of December 26, "
December 5	Steamer Don Pedro	...	...	10	" 162 of December 5, "	" Ditto.
" 5	Brig Sophia	...	...	10	" 163 " 5, "	" Ditto.
" 19	Patacho Liberdade	...	10	21	" 165 " 19, "	" 14 of January 4, 1862
" 22	Patacho Massango	...	...	10	" 166 " 22, "	" 17 " 7, "
1862						
January 7	Steamer Estephania	...	...	115	" 2 of January 7, 1862	
" 7	Patacho Quinta de Ponteril	...	...	20	" 3 " 10, "	
" 31	Steamer D. Antonia	...	...	104	" 9 " 31, "	" 158 of February 21, "
February 13	Patacho Doudo	...	...	10	" 17 of February 13, "	" 290 of March 31, "
" 19	Patacho Rio Ave	...	...	10	" 19 " 19, "	" Ditto.
March 5	Patacho 66	...	...	2	" 23 of March 5, "	" 304 of April 5, "
" 12	Steamer Africa	...	...	4	" 26 " 12, "	
" 20	Patacho Massango	...	...	10	" 26A " 20, "	
" 27	Steamer Zaire	...	...	10	" 29 " 27, "	
April 13	Patacho Liberdade	...	...	10	" 32 of April 12, "	" 425 of May 3, "
" 24	Patacho Massango	...	...	10	" 37 " 24, "	" 463 " 17, "
June 26	Steamer D. Antonia	...	...	3	" 50 of June 26, "	" 650 of July 26, "
	Grand Total	105	244	1,105		

Office of the General Government of the Province of Angola,

July 16, 1862.

During the inability to act of the Secretary-General,
(Signed) MANOEL DA SILVA FRANCO, Chief Clerk.

Inclosure 4 in No. 100.

Bond for Bail.

(Translation.)

ON the 18th day of the month of October, 1861, in this city of Loanda, and in the office of the General Government, there appeared Ignacio Jozé de Moraes, junior, and he declared to me that, in consequence of the orders of his Excellency the Governor-General, he guaranteed the identity and became surety for the freedom of the free negroes Manoel Francisco, Sarmento Jozé, Thereza Maria, Felicio Joaquim, Jozé Francisco, Sofia Antonia, João Francisco, Arthur Francisco, Francisco Manoel, Jorge Jozé, Miquelina Maria, Julio Antonio, Roza Jozephia, Antonio Salvador, who proceed on their voyage to St. Thomas in the steamer "Zaire," engaging to pay the value of the afore-said negroes, should any person claim any of them as slaves, or prove that they belong to him, besides subjecting himself to the fine which may be imposed upon him.

And in proof of his having made this declaration, and taken the said engagement upon himself, he signed it, together with myself.

In the inability to act of the Secretary-General,
(Signed) MANOEL DA SILVA FRANCO, Chief Clerk.
IGNACIO JOSE DE MORAES, Jun.

Inclosure 5 in No. 100.

Registration of Antonio Salvador.

(Translation.)

REGISTRATION of the negro Antonio Salvador. Book No. 5. Serial number of masters, 609. Name of the master, Felix Correa da Silva. Serial number of slaves, 5,392. Name of the slave, Antonio Salvador. Place of birth, Loanda. Probable age, 22 years. External signs, black colour, ordinary stature. Remarks, none.

During the inability to act of the Secretary-General,

(Signed)

MANOEL DA SILVA FRANCO, *Chief Clerk.*

No. 101.

Earl Russell to Sir A. Magenis.

Sir,

Foreign Office, June 26, 1863.

WITH reference to my despatch of the 25th ultimo I inclose, for your information, copies of a correspondence between the Portuguese Minister at this Court and myself respecting the proceedings of Commander Smith, of Her Majesty's ship "Torch," in boarding and bringing to anchor the Portuguese brigantine "Paquete de Mossamedes" in the harbour of Loanda in the month of December last.

I am, &c.

(Signed)

RUSSELL.

Inclosure 1 in No. 101.

Count Lavradio to Earl Russell.

(Translation.)

London, June 13, 1863

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty, has received the most positive orders to make known, without the smallest delay, to his Excellency the Earl Russell, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, the following statement of acts done in the harbour of Loanda by order of the Commander of the British man-of-war the "Torch."

On the 16th day of December of last year, the Portuguese patacho "Paquete de Mossamedes," having completed all the legal forms, sailed from the port of Loanda, and, according to the statement of the British war-ship "Torch," passed so near the British ship that the officer who was on board, appearing to apprehend a collision, weighed the anchor and made sail. It is, therefore, beyond all doubt that the "Torch" suffered no damage. But the Commander of the "Torch," F. H. Smith, arriving at this time on board his vessel, considered himself authorized to send three of his boats, commanded by his Lieutenant, with orders to board the Portuguese patacho, to oblige her to suspend her departure, and to visit her, an order which is proved to have been executed by the communication of the Commander of the "Torch" himself.

As soon as the Governor-General was informed of the outrage committed by the Commander of the "Torch," he addressed to him a solemn protest, to which that officer replied, as it appears from the accompanying copies, both of the protest of the Governor-General of Angola and of the reply of Commander Smith.

In view of the declaration of Commander Smith himself, there can be no doubt, as the Undersigned has already mentioned, upon the acts done by that Commander; as also there can be none that these acts constitute an offence to the Portuguese flag, and a violation of territory.

This being stated, the only thing remaining to the Undersigned is to examine, first, whether, in the outrage committed by F. H. Smith, the Commander of the "Torch," the existence of any extenuating circumstance can be admitted; secondly, whether the letter which that Commander addressed to the Governor-General of Angola can be considered as a sufficient reparation for the outrages mentioned.

The Undersigned, after a very serious examination of the facts, not only cannot admit any circumstance which could extenuate the conduct of the Commander of the "Torch," but, on the contrary, he finds in it very aggravating circumstances; among others, that the Commander formed his violent resolution when there could not remain any apprehension of danger for his ship, if, in fact, any had existed; and further, that he did not hasten to make some communication, either to the Governor-General of the Province or even to the harbour authorities. The outrage committed by the Commander

of the "Torch" took place at 5.15 P.M. of the 16th day of December, and even on the following day, the 17th, he had made no communication to any authority, nor, perhaps, would he have ever made any, had it not been induced by the protest of the Honourable Governor-General of the Province.

Nor can the Undersigned consider the letter which Commander Smith addressed to the Governor-General of Angola as a sufficient reparation for his very improper proceeding. The Commander of the "Torch" alleges, in excusal of his acts, that he had no intention to insult the Portuguese flag; but it is not the province of the Undersigned to appreciate the intentions of Commander Smith, but his acts, done publicly, in the middle of the day, in the harbour of Loanda.

The Undersigned has therefore the honour to declare, in the name of the Government of His Most Faithful Majesty, to his Excellency Earl Russell, that in the acts done in the harbour of Loanda, on the 16th day of December last, by the Commander of the British man-of-war "Torch," he cannot admit the existence of any extenuating circumstance, nor can he consider the declaration of his intentions as a sufficient reparation of the acts done by him.

Having detailed and given his opinion of the facts above mentioned, the Undersigned abstains (in obedience to the instructions which he has received from his Government) from pointing out the satisfaction to which His Most Faithful Majesty's Government is entitled, as also the indemnification due to the owner of the patacho "Paquete de Mossamedes;" but, recognizing the justice which guides the deliberations of Her Britannic Majesty's Government, the Undersigned limits himself to claiming a reparation equal to what Her Britannic Majesty's Government would claim in the like circumstances from any other Power.

The Undersigned, &c.

(Signed)

LAVRADIO.

Inclosure 2 in No. 101.

The Governor-General of the Province of Angola to Commander Smith.

(Translation.)

Sir,

Palace of Government in Loanda, December 17, 1862.

I RECEIVED last night an official communication, stating that a great insult had been offered by Her Britannic Majesty's ship "Torch" under your command, which at 5.15 P.M. within the harbour of this city boarded with three boats the patacho "Paquete de Mossamedes" after she had set sail, having been cleared by all the competent authorities.

It is painful to me to imagine an outrage of such a nature, done by British forces against all the rights of the nation which is proud of being the ancient and faithful ally of England, and which has always acted towards her with the most rigorous good faith in the maintenance of Treaties, even though for this effect she may have been obliged to hazard her interest with the most powerful nations.

I am, therefore, in the necessity of protesting, as I do solemnly protest, against such an audacious affront to the Portuguese flag; and I expect that my Government will obtain from the uprightness and impartial justice of yours the due reparation, not only of the offence to the dignity and independence of the nation so outraged, but also in respect to the injury caused to commerce, in consequence of a ship being forcibly compelled to anchor, when she was engaged in the voyage for which she had been legally authorized.

God preserve, &c.

(Signed)

JOSE BAPTISTA D'ANDRADE.

Inclosure 3 in No. 101.

Commander Smith to the Governor-General of the Province of Angola.

Excellent Sir,

St. Paul de Loanda, December 17, 1862.

I HAVE the honour to acknowledge your Excellency's communication of this day's date, complaining of an insult which had been offered to the Portuguese flag in this port by the boats of Her Majesty's ship under my command, in having last evening boarded the Portuguese brigantine "Paquete de Mossamedes," and brought her to anchor.

In answer to the above, I beg to furnish your Excellency with the following explanation: Upon returning to the "Torch" last evening about 5.30 P.M., in company with

Commander Beamish of Her Majesty's ship "Wrangler," and being about 500 yards from the "Torch," I observed the "Paquete de Mossamedes" steering (as it appeared to me) for the bows of the vessel under my command. Sail being quickly made on board the "Torch" and cable served out, prevented the collision which must otherwise inevitably have ensued.

Having by this time arrived on board the "Torch," and considering the circumstances of the case required explanation, I desired my Lieutenant to take the boats and bring the brigantine to an anchor, which was accordingly done. When I observed the vessel anchored, I at once recalled the boats, and to call attention to the signal, fired again; the Lieutenant immediately returned with the boats and men under his command. I may add that he was not on board the brigantine a quarter of an hour.

I cannot nor should I wish to attribute the conduct of the master of the "Paquete de Mossamedes" on this occasion to malice, and I have therefore but to suppose that it was owing to extreme incompetency or gross negligence.

By the above statement your Excellency will perceive that what was done on the occasion by me was really called for, and as the brigantine was leaving the port rapidly with a fair wind, it was inopinative, in order to obtain the explanation sought for, that she should be at once brought to, which I took upon myself to do, as there was no time to communicate with the authorities of the port.

By the early receipt of your Excellency's letter I have been anticipated in making the complaint which I intended doing in the course of this day.

I must express my extreme regret that your Excellency should suppose that an insult would at any time be offered to the Portuguese flag by a British officer, more particularly at the present time, when such friendly feeling towards our country was displayed on the recent melancholy occasion.

I beg to assure your Excellency in conclusion, that it has ever been and will continue to be my earnest wish to cultivate the amicable relations which have for so long a period existed between our respective countries.

I have, &c.
(Signed) F. H. SMITH.

Inclosure 4 in No. 101.

Earl Russell to Count Lavradio.

M. le Comte,

Foreign Office, June 23, 1863.

I HAVE the honour to acknowledge the receipt of your note of the 13th instant, bringing to the notice of Her Majesty's Government the conduct of the Commander of Her Majesty's ship "Torch," in boarding and bringing to an anchor the Portuguese patacho "Paquete de Mossamedes," in the harbour of Loanda, on the 16th of December last, and stating that you have been instructed to claim from Her Majesty's Government such reparation and indemnity as Her Majesty's Government would, in like circumstances, feel justified in demanding from any other Power.

I beg leave, in reply, to acquaint you that the circumstances which form the subject of your note were reported to Her Majesty's Government by the Acting British Vice-Consul at Loanda, in a despatch dated the 19th of January last, on the receipt of which I lost no time in instructing Her Majesty's Minister at Lisbon to express in suitable terms to the Government of His Most Faithful Majesty the regret of Her Majesty's Government at Commander Smith's proceedings.

I inclose for your information a copy of the despatch which I addressed to Sir A. Magenis on the occasion in question.

I trust that the Government of His Most Faithful Majesty, when made acquainted with the instructions which I have sent to Sir A. Magenis, will accept the action taken by Her Majesty's Government in this matter as a proof of their earnest wish to make such reparation as is due for the conduct of their officer in this affair.

It only remains for me to add that Her Majesty's Government will be happy to make to the master of the "Paquete de Mossamedes" any reasonable compensation for losses which he may have suffered by reason of the detention of his vessel.

I am, &c.
(Signed) RUSSELL.

No. 103.

Sir A. Magenis to Earl Russell.—(Received July 5.)

My Lord,

Lisbon, June 19, 1863.

I HAVE the honour to inform your Lordship that I have, in obedience to the instructions contained in your Lordship's despatches of the 23rd and 25th ultimo, addressed representations to His Most Faithful Majesty's Government, drawn up as nearly as possible in identical terms with those employed in the above-mentioned despatches, and in their several inclosures, respecting the circumstances connected with the capture of the "*Island Queen*," slave-vessel, by Her Majesty's ship "*Wrangler*;" and the capture of the "*Liberdade*," slave-vessel, by Her Majesty's ship "*Zebra*."

I have, &c.

(Signed) ARTHUR C. MAGENIS.



No. 104.

*Sir A. Magenis to Earl Russell.—(Received July 5.)**Lisbon, June 19, 1863.*

I HAVE the honour to transmit herewith to your Lordship the copy of a note which, in conformity with the instructions conveyed to me in your Lordship's despatch, I have addressed to the Duke de Loulé, expressing the disapproval by Her Majesty's Government of the conduct of Commander Smith, of Her Majesty's ship "*Torch*," with respect to the Portuguese vessel "*Paquete de Mossamedes*."

I have also the honour to acknowledge the receipt of your Lordship's despatch of the 6th instant, with its inclosures.

I have, &c.

(Signed) ARTHUR C. MAGENIS.

P.S. *June 23.*—Since writing the above despatch I have received the note, of which I inclose a translation, from the Duke de Loulé, expressing the thanks of His Most Faithful Majesty's Government for the disapproval of the conduct of Commander Smith upon the occasion referred to by Her Majesty's Government.

A. C. M.

Inclosure 1 in No. 104.

Sir A. Magenis to the Duke of Loulé.

M. le Ministre,

Lisbon, June 15, 1863.

I HAVE the honour to inform your Excellency that I have been instructed by Earl Russell, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, to convey to the Government of His Most Faithful Majesty the regrets of the Government of the Queen my Sovereign, at the conduct pursued by Commander Smith, of Her Majesty's ship "*Torch*," in sending the boats of the ship under his command to compel the Portuguese brigantine "*Paquete de Mossamedes*" to come to an anchor when that vessel was about to leave the harbour of Loanda, in the month of December last.

Earl Russell has been in communication with the Lords Commissioners of the Admiralty upon this subject; and I have also been instructed by his Lordship to add, for your Excellency's information, that the Commander-in-chief of Her Majesty's Naval Forces on the African Station will be instructed to communicate to Commander Smith the disapproval by their Lordships of the course which he thought fit to adopt with regard to a Portuguese ship under the protection of the Portuguese flag, and which was most unjustifiable in the opinion of the Lords Commissioners of the Admiralty.

I avail, &c.

(Signed) ARTHUR C. MAGENIS.

Inclosure 2 in No. 104.

The Duke of Loulé to Sir A. Magenís.

(Translation.)

Foreign Office, Lisbon, June 20, 1863.

I HAVE received the note which you were pleased to address to me on the 15th instant, wherein, in accordance with the instructions which you had received, you make known to me how much Her Britannic Majesty's Government had regretted the conduct pursued by Commander Smith, of the ship "Torch," in sending the boats of the ship under his command to oblige the Portuguese brigantine "Paquete de Mossamedes" to anchor, when that vessel was on the point of quitting the port of Loanda in December last.

Having taken cognizance of the contents of your said note, and of the opinion of the Lords Commissioners of the Admiralty, to whom Earl Russell addressed himself on this subject, I have the honour to request you to have the goodness to thank, in the name of His Majesty's Government, Her Britannic Majesty's Government, for the promptitude with which they consented to disapprove the proceedings of that officer towards a Portuguese vessel under the protection of the flag of its own nation.

I avail, &c.

(Signed) DUKE OF LOULE.

No. 105.

Sir A. Magenís to Earl Russell.—(Received July 5.)

My Lord,

Lisbon, June 22, 1863.

WITH reference to my despatch of the 15th January, 1862, I have the honour to transmit herewith to your Lordship the translation of a note from the Duke de Loulé, and of its inclosures, by which your Lordship will perceive that his Excellency strives to refute the charges brought against the Portuguese authorities on the coast of Africa of conniving at the Slave Trade, consigned in my note to M. d'Avila, of the 14th of January, 1862, and which formed the inclosure in my despatch above alluded to.

I have, &c.

(Signed) ARTHUR C. MAGENIS.

Inclosure 1 in No. 105.

The Duke of Loulé to Sir A. Magenís.

(Translation.)

Foreign Office, Lisbon, May 30, 1863.

THE Governor-General of the Province of Mozambique was acquainted in due time with the contents of the despatch addressed to Her Britannic Majesty's Government, under date of the 31st December, 1860, by Commander Oldfield, on the station on the Eastern coast of Africa, which you communicated to my predecessor, and of your note dated the 14th January, 1862, both of them having reference to the Slave Trade operations carried on at different points of that coast, and in which the Portuguese authorities in the said province are charged with conniving at the aforesaid operations.

The Marine Department having received from the said Governor-General the despatches in which, in answer to the "Portarias" (Ministerial Orders) which had been sent to him, he refutes the charges in question, and makes several remarks on the subject, it is my duty to transmit to you an extract from those despatches, so as to enable you to make known to your Government how groundless the accusations are which have been brought forward against the Portuguese authorities above-mentioned.

I renew, &c.

(Signed) DUKE OF LOULE.

Inclosure 2 in No. 105.

The Governor-General of the Province of Mozambique to the Minister of Marine.

(Translation.)

(Extract.)

Mozambique, October 14, 1862.

I HAVE read Commander Oldfield's report with all the attention, and with the greatest equanimity, as much as the serious attack made against my reputation by a foreign officer would allow me, whom I have met more than once, and in whose opinion I thought I deserved to be held as a man of honour and probity, as a man might be supposed to be who has the honour of being worthy of his Sovereign's confidence, so as to entrust to him the government of one of his most important colonies; who occupies high rank in the noble profession of arms, which is a proof at least that he has rendered some services, and who acts with frankness, openness, and good faith, which the tranquillity of his conscience and the faithful fulfilment of his duty inspire him with; who always makes use of the open and sincere language of a soldier; who can never suppose that any individual, either a foreigner or a native, with whom he is upon good terms, should form a bad opinion of him without grounds. Very unfortunately for our credit, I know that the British functionaries complain, and sometimes with reason, of the proceedings of our authorities, who very often do not correspond to the confidence which His Majesty's Government places in them; but my own actions at the beginning of my government in this province, and the sincerity of my endeavours to put an end to and to prevent the Slave Trade, have been so sincere, and I have given such evident proofs of the same, that I could not for a moment think, not that it was not carried on, because unfortunately I know that not only it is carried on, but has been and will be carried on as long as it will afford such profits as speculators derive from this infamous trade, which any man of moderate instruction and acquainted with economical and political principles condemns as a most inhuman crime, but that I might be suspected of consenting to the same, in contravention of the wishes and orders of His Majesty, whom I flatter myself I serve with honour, zeal, and loyalty.

The accusations made by Captain Oldfield surprise me still more, inasmuch as that officer, when I went to Zanzibar, paid me very particular attention, inviting me to a special dinner on board his ship, a favour which he was not bound to do me even indirectly, inasmuch as he only chanced to be there on the occasion of my going, and was not upon any other terms with me beyond those of mere civility and consideration due to my position, and which did not oblige him to do so much. I shall now analyse Captain Oldfield's assertions, and I cannot help considering the statistics of the exportation of slaves from the coast as curious, these same being audaciously presented without proofs, or without any other reason to justify the same. He says that from Ibo between 2,000 and 3,000 slaves are exported, and from Quillimane 1,000 to 1,500 annually, under the protection of their Excellencies the Governors. It is, however, to be wondered at that this officer, knowing that such a number of slaves are exported from these two points, and having the faculty to cruise wherever and howsoever he may choose, and having a steam-ship under his command, as well as many other smaller vessels, is not able to capture the greater part, not only of the slaves which are exported annually, as he says, but also of the ships and dhows which carry the same. The faculty of cruising on this coast is carried to excess, not only by Captain Oldfield himself, but also by all the other cruisers, who, in violation of the Treaties, carry launches and boats, which are freely introduced into the canals amongst the islands of that district, of which I should not complain if the crews of those ships did not commit every kind of abuse against the inhabitants, stealing from them fowls, kids, and provisions, and being guilty of other violence, against which I have already written to the Admiral commanding the Cape Station, and of which I have apprised His Majesty's Government on different occasions. I am opposed to the trade; but for that very reason that I feel conscious of complying with my duty, and am not obliged to cast down my eyes before any one, either native or foreigner, it is that I complain and make representations without any consideration for anything. And my complaints are not grounded upon reports, which, if they may be true, may also be incorrect, like the one of which he made use in order to throw discredit upon an authority which can only be accused by means of reports; but I believe that reports, even in England, and even with respect to the odious Slave Trade, are not sufficient grounds for accusing anybody, and still less for condemning any one, even a Portuguese authority, whom Captain Oldfield does not seem to consider entitled to be held in good opinion.

The same Captain further says:—"The conduct of his Excellency the Governor of

Ibo is so well known, and his Excellency the Governor of Mozambique shows himself so prejudiced in defending him from the charges which have been brought against him with respect to his bad conduct, that I cannot help believing the report to be true that the accounts from his Excellency the Governor of Mozambique are contradictory in themselves, that half, or the greater part, of the sums received by the Governor of Ibo from the agents of the Trade and from the captains are paid to his Excellency the Governor."

I do not know what feeling possesses me on reading these assertions. I become warm in defence of any subordinate of mine, when I think the charges brought against him slanderous, and I become excited, that is warm, as I always do, with respect to all things entrusted to my charge, care, and protection, because being a victim myself to similar accusations I cannot see with indifference the facility of bringing forward charges which affect the most sensitive part of an individual—his reputation and honesty—and as I consider myself responsible to His Majesty and to my country, and to my own conscience, for the honour and honesty of an officer whom I appointed as being worthy of my confidence to that post, I cannot hear with indifference, and still less coincide in the opinion that this officer should forfeit in my judgment the only condition which recommended him to my confidence—his honour and honesty, proved by many years of good and zealous services, in more humble capacities it is true, but which always, or almost always, are the only and the safest recommendation, inasmuch as the antecedents of an individual are the only means of judging of his future conduct, as I do not know of any other title for obtaining the proper confidence of the authorities. And I was not then aware that I should have to reply to gratuitous assertions, taking for my basis the expression of a noble feeling, the defence of a subordinate whom I consider innocent. But the reliance placed on reports attacking the honour of a functionary of high rank does not end here: "The sum of 9,000,000 reis (2,000*l.*) was given to the Governor of Ibo for his assistance and permission in purchasing a cargo of slaves, and it is said that 4,000,000 reis (888*l.*) were given to the Governor-General,"—an expression of which Captain Oldfield has the goodness to make use in my regard, based upon a mere "it is said."

I beg your Excellency to allow me, in spite of the length of this reply, to add a few further observations, not to enable the Government to refute Captain Oldfield's assertions, because for this end the reasons for confidence which, to my great honour, I find stated in the "Portaria" (Ministerial Order), to which I reply are quite sufficient—an honour which alone obliges me to extend this answer to so great a length, but only for the purpose of proving once more the injustice with which such accusations are made. And, incidentally, I will say that nothing could be easier than for Captain Oldfield, or for any other officer capturing a slaver, to make an inquiry into the facts of which he accuses the authorities, from the same; if they could succeed in making an inquiry, it might be known up to a certain point, which does not appear to me to be difficult, whether the authorities and their agents are always the receivers of the money, and who the former and the latter are; and although such evidence could not constitute a proof, it would justify certain hypotheses, which not possessing even such a basis, fall to the ground, when they are directed against individuals who can oppose a groundless suspicion by many years of good and honourable services to their country in different posts without ever soiling their hands by extortion or speculation.

I have already told your Excellency that the trade is carried on, and will be carried on for a long time on this coast, which cannot be prevented either by the superior authority, and very often not even by that of the districts in so vast a portion of the coast; where it cannot be prevented by numerous and active cruizers like the British with capital ships, and with officers and crews animated, not only with good and noble sentiments, because I do them the justice to consider as such those that move them to comply with their duty in repressing the trade, but urged on moreover by the profits which they may derive from the prizes. But if neither they nor their Government will admit—and they are right—that such officers should be charged with connivance or neglect of their duties when these vessels escape them, why should the British Government admit without criticism, and our own not energetically repel, all these frivolous charges of connivance which are brought forward against the Portuguese authorities?

The points occupied by troops (and not very good) from the south of Cape Delgado up to this Island of Mozambique, which includes three degrees of latitude, are the towns of Ibo and Cape Mira-membo in Pemba Bay. From Mozambique southwards to Quillimane, three degrees of latitude are included; the only point occupied by a regular garrison is Angoche, and this only about a year ago. From Inhamissingo, or Luabo, to Sofala, which includes two degrees, the only point occupied on the coast is the said fort of

Sofala. From Sofala to Inhambane, which includes four degrees of coast, the points occupied are Chiloane and Bazaruto. And from Inhambane to Lorenzo Marques, which is two degrees distant, there is no intermediate point that is occupied. It is, therefore, almost impossible to prevent the entrance of dhows which take shelter and hide themselves in any point of the coast, which introduce themselves into the creeks, where they are concealed from the vigilant eye of the British cruizer, and stay there during the time necessary to obtain the number of negroes of which they are in need; when this comes to the knowledge of the authorities, the vessel has departed long ago with the number of slaves which it came to fetch. How are the Governors to be made responsible? The Chiefs and Chieftains, whose ideas agree with the speculators, neither denounce them nor capture them. When ships come into the ports, then it is clear proceedings are instituted; when this happens, then although there should be no proofs, because it is difficult to obtain them, in consequence of the particular disposition of our people, which is well known in this respect, where nobody wishes to be an accuser, and where all exempt themselves from giving evidence against criminals, whom very often they do not support, but still feel repugnance in general to injure them by means of their evidence. And in this case all suspected Governors have been dismissed by me.

On my part I think I have stated what appears to me to be sufficient for my defence. My zeal, the services which I have performed, and the sacrifices which I make for the good of His Majesty's service, and for it alone, may induce me to continue in my position which exposes me to affronts which I am only allowed to repel by words. Your Excellency is aware that a few months after my arrival in this Province, I requested His Majesty to appoint my successor, because I considered the task of governing this Province, as I still do now, far above my strength. If I still continue here, it is not by my own will.

With respect to the Governor of Ibo I have already replied in my despatch No. 24 of 1861, and as yet I do not possess any proofs which can make me change the good opinion which I entertain in his regard; and I do not think him capable of betraying the confidence which I have placed in him, and still continue to place, both as a soldier and as a private individual. At his own request, and not on account of accusations which I hold to be groundless, I relieved him, and ordered him to be replaced by Major Tito Augusto de Araujo Siccard, who was afterwards substituted, at his own repeated request, by Captain Antonio Jozé Rodrigues Pinho, who, after he had been there only four months, was substituted by the present Governor by His Majesty's appointment, who is still there, and wishes to be removed elsewhere.

In fine, I shall conclude by declaring to your Excellency that one of the reasons which has most forcibly obliged me to request His Majesty at different times to be pleased to appoint my successor, is that of seeing myself continually exposed to be the butt of unjust accusations, which are the more wounding and painful inasmuch as they are unmerited.

I shall again request His Majesty that, taking into consideration those slight services which through my zeal and goodwill I may have rendered in this difficult post to His Majesty and to my country, he would be pleased, as a special favour, to concede my dismissal, appointing my successor; because by my dismissal His Majesty will be better served in the Government of this province, and I shall then cease to be the victim of these and other accusations which embitter my position, which is already quite difficult and painful enough.

Inclosure 3 in No. 105.

The Governor-General of the Province of Mozambique to the Minister of Marine.

(Translation.)

(Extract.)

Mozambique, November 8, 1862.

IN the "Portaria" (Ministerial Order) No. 23 of 1862, issued by the 2nd Direction, 2nd Section of your Department, His Majesty orders me to endeavour by all the means in my power to investigate the facts set forth in the note from Her Britannic Majesty's Minister at the Court of Lisbon, of which a copy was forwarded to me, with respect to several Slave Trade operations carried on in different parts of the Province of Mozambique with the connivance of the Portuguese authorities, and that in case the same should have taken place, and should the authorities of those localities have connived at such unlawful operations, I should proceed to adopt all those measures which I might

think necessary in order to prevent their continuance, either dismissing the said authorities in case it should be proved that they were involved in such speculations, or suspending them from their functions if they have only become suspected; and His Majesty hopes that I shall use zeal and activity in carrying out this inquiry, the same august Sire considering as amongst my most important duties those endeavours which I may make for the most rigorous suppression of the Slave Trade, and for the purpose of removing, once for all, from my subordinate authorities the offensive suspicion of their connivance at such a Traffic.

It is with extreme regret that I see myself obliged to analyse these accusations in compliance with His Majesty's orders. The note dated the 14th of January of this year says that the information received from the British Consul at Zanzibar, and from the Admiral in command of Her Britannic Majesty's naval forces at the Cape station, confirm the Report of Her Majesty's Commissioner at the Cape, wherein that functionary alludes to the supposed connivance of the Portuguese authorities at the exportation of slaves from the Portuguese Possessions on the Eastern Coast of Africa; that the accounts received from the Eastern Coast of Africa during the past year all tend to show that the Slave Trade really continues to be carried on on a grand scale; that the principal trade of the Portuguese Possessions to the north of the 13th degree of south latitude is in slaves at the price of about 30 dollars (patacos) per head; that at Ibo, Cape Pangane, Matémo, Lambro, Quissanga, and Querimba, from 5,000 to 6,000 slaves were seen ready to be shipped.

I quote these first paragraphs of the note in order to reply to these charges immediately, reserving my reply to the others until afterwards, having to repeat what I have told your Excellency more than once, for the information of His Majesty's Government, and in answer to similar charges brought forward on other occasions.

The fault of these repetitions does not lie with me, but rather upon the charges themselves, which are continually reproduced under different forms without any great variation, because their origin is the same, that is, the fixed purpose of accusing the Portuguese authorities of connivance, without further inquiry, except—"it is said," "it appears," and other similar assertions, which there really is no other means of repelling in any other way except by denying the fact of a general connivance, without denying that of the shipping of slaves, because it is undoubtedly carried on, not only at those points, but also at all the others resorted to by "dhows," both on that part of the coast which belongs to us, as well as on the whole of the same to the north of Cape Delgado. It is impossible to prevent this contraband, because no ships, however numerous, could put a stop to it; and those points are neither occupied by troops nor have they got any Portuguese authorities, but rather native authorities who yield us obedience, but whom it is not possible to punish or dismiss, as this would be equivalent to declare war against the tribes or villages over which they preside, and by which they are chosen and elected. There is consequently no necessity for the connivance of the Portuguese authorities at the trade, who cannot prevent this contraband, in the same manner as they cannot prevent the one in goods, which is also carried on, and which is so prejudicial to the receipts of the Custom-houses of this Province.

If it be proved that there are no troops at these points because there is not a sufficient force for this purpose, if it be proved that there are no other authorities in the same except native ones, if it be proved that there is no means of guarding the coast and the innumerable ports, bays, rivers, and other places accessible for Arabian dhows which frequent them for the purpose of introducing goods into the wilds, in order to purchase slaves therewith—proved as it is by Dr. Livingstone's reports, and by the testimony of many Portuguese travellers, that the Arabs, the chief abettors of the purchase and of the stealing of slaves and of people in general, are to be found in the wilds near Tete, and even still further in the interior; it is proved that the trade can be carried on, and, I believe, it is carried on without the necessity of a connivance on the part of the Portuguese authorities, as is constantly stated in the reports which are communicated to us, unless they give the name of Portuguese to these native authorities who deal in negroes for their own profit, through their want of civilization, and even owing to religious ideas,—since they are all Mahomedans,—and the Koran, which is their civil and religious law, does not forbid them to possess slaves, or to trade in the same, and consequently they think that they do not commit a crime in evading the demands of a more advanced civilization, and other moral and social principles which they do not understand. The places Ibo, Cape Pangane, Matémo, Lambro (probably Lumbo) Quissanga, and Querimba, are parts of the district of Cape Delgado, situated on the Continent; Ibo, Matémo, and Querimba being the only three islands of the district which are inhabited, where I do not think that such Slave Trade operations are carried

on,* because they all are very near the seat of the Government of the district, and at a distance from the place where slaves can be more easily collected without running any risk, which is on the Continent. It is asserted that in those places from about 5,000 to 6,000 slaves were seen ready to be shipped. I know not whether this is meant during a year; it is likely that it is so, as in one of the preceding paragraphs it is said "from the accounts received during the past year."

The exaggeration of these numbers immediately appears at first sight, inasmuch as if this were so, a great many dhows would be required to ship them; for, granting that each of them could take, on an average, 100 slaves, which is inadmissible, because, in general, they are vessels of small tonnage, and cannot carry such a large number of persons, and the water and provisions necessary for them, however small the quantity they might give them, and it is known that they usually take about 10, 20, or 30 slaves, even in that hypothesis no less than 80 or 100 dhows, or 10 or 12 large vessels carrying from 400 to 600 slaves would be required. This does not appear to be a serious assertion; the facility in receiving the information given by the Arabs, whose character is familiar to the whole world, is almost incredible.

Can the English really believe in the good faith of the Arabs? I think that they only believe in it when they incriminate the Portuguese; and let it be remarked that these informers receive a salary, and that it is chiefly their interest in keeping those who pay them under deception, since this is their means of living; making use also, as it appears, of the protection given them, for the purpose of doing under safeguard of the same what suits them best. But to return again to the assertion of the 5,000 or 6,000 slaves which were seen ready for shipment in the district of Cape Delgado, wherein, as I have already said, the places above-mentioned are situated. I know not how to make this information agree with that given under date of the 31st of December, 1860, by Captain Oldfield in his Report, of which a copy was sent to me with the "Portaria" (Ministerial Order) No. 79 of 1861, to which I reply in my despatch No. 226 of 1862, who asserts that from Ibo 2,000 to 3,000 slaves are exported annually. This officer asserts this positively, and I do not know which is the true number, when two authorities differ upon a subject which they must have studied. In my opinion, as I have already stated to your Excellency, there is a great, an enormous, exaggeration in each of these assertions, and the Portuguese Government has the right to doubt of their sincerity. On my part, I declare that, convinced as I am that slaves are exported from this coast, I do not believe in such numbers, although I regret it, and exceedingly too, and do not wish that even a single slave should quit the Portuguese coast. Truth forces me to declare that I know that they are exported very much against my wish, and in opposition to our well understood interest. I condemn the fact with all the strength of my conviction, but, in admitting the same, I cannot agree with the wide proportion in which it is represented, perhaps without the slightest (evil?) intention, and only based upon erroneous and exaggerated information, which there has been no wish to scrutinize with a judicious and prudent criticism, although an attack is made therein against the good name even of those who had heretofore been considered as honourable and honest, and of sentiments opposed to a trade which religion, policy, and right reason, and our own laws, justly condemn.

Is there indeed not a single honest man in this country? Even Major Siccard, who might be respected on account of the good opinion in which he seemed to be held by the English, has not escaped the stigma of being a slave-dealer whilst Governor of Ibo, whereas it was precisely on account of this good opinion that I selected him for that post, giving, in this manner, another guarantee of the earnest wish which I entertained that the aforesaid trade should not be carried on: but not even he, held in such good reputation, could escape the shame which without more ado is thrown upon every one, and at all times. His promotion, as they say, instead of confirming him in his good ideas, as it appears from the note, caused him to forget them, and made him prevaricate. His well-earned reputation, which had been so often and so repeatedly manifested, vanished, and he remained suspected and contaminated by the eternal "it is said," against which neither name, possession, position, antecedents, nor services, are of any avail, in order to protect a Portuguese authority.

Let me therefore be allowed to doubt the truth of these charges against this officer, of whom I still hold the same good opinion. He was replaced, at his own request, after he had been only a few months at the head of that Government. His successor, appointed on the 19th of June, 1861, was also there hardly four months, and the independence of character which he had acquired was such that, although he is married here, he joyfully

* The text is: "taes escravos se façam" (such slaves are made).

accepted the appointment which I gave him of commander of the fortified place of Bazaruto, a real banishment. This Acting Governor was succeeded by the present one, Major Barros, who was appointed by His Majesty, and of whose character nothing unfavourable is known up to the moment I am writing. I do not therefore perceive the connivance which is denounced.

The note continues: "In the Settlement of Pemba Bay, formed by Captain Romero in 1858, the Commissioner at the Cape has received information that the only trade carried on there is exclusively that in slaves, who are kidnapped from the tribes in the neighbourhood and sent to Ibo in the droves employed in provisioning Pemba Bay."

In my despatch No. 41 of 1862, I gave an account of the unfortunate manner in which that Settlement at Pemba had come to an end in November 1861, and consequently your Excellency will perceive how groundless those accounts are. Since the extinction of the Colony, there has only been at Miranembo Point a detachment of about fifteen or twenty soldiers, commanded by an officer who is sent there from Ibo. During the harvest season, from March till June, several launches from Ibo go there for the purpose of buying provisions, and for this end a few traders settle there. The Chiefs of the Bay are, on the south the Mugato, and on the north Said Aly; the former lives in the interior and is poor and has no prestige, and the latter lives to the north of the Bay, and although he has received a subsidy from the Government, he has lived in continual disputes with the Government of Ibo, on which account his pay was ordered to be stopped, and he is not on good terms with the Portuguese authorities, without however being hostile. He is a Moor, an old slave-dealer, and does not go to Ibo, on account of the great number of debts which he has incurred there; two or three of his dhows have already been captured, the same having been found with slaves on board. This shows that the authorities have not been, and are not at present, guilty of connivance with him, and at the same time proves the exaggeration of the statement that the Slave Trade is the only one carried on there; because several dhows have been captured by the authorities, and the only vessel at the disposal of the Governor of the district is a launch armed with a pivot-gun, which is always stationed there in order to protect the detachment, to whom even provisions are sent from Ibo during the time when no trade is carried on in the Bay, which is the case during the greater part of the year.

In the Bulletin No. 13, 1862, your Excellency will see the traffic of that port, and also the number of launches which went there to fetch provisions, which they were in the habit of doing even before the establishment of the Colony there, which, as you are aware did not come to an end from the advantages which this trade, so profitable as it is, might have given it. Consequently there is also a manifest exaggeration in the information received by the Commissioner at the Cape, and which he forwarded. Accounts and news are not all true; and God forbid that they should be so, even when they are pleasing to our ideas and suit the dispositions of our mind. In order to prove that the Trade is very profitable to the authorities at Ibo, the note states, "the successive Governors acquire a competency so speedily in consequence of the bribes they receive, that an instance is quoted in which the Governor of Ibo paid a bribe of 500 cruzados (crowns) to an Arab of Zanzibar, to induce him to abstain from giving any information respecting the supercargoes who were then in the place."

I think that what is meant by this sum is that any one that can dispose of the same must be very rich. This instance, if it did take place, would only prove the stupidity of the Governor who had thus acted, because it amounts to nothing else to imagine that this payment could prevent the Arab of Zanzibar, and therefore a foreigner, from speaking out, or that he would allow himself to be bribed, and would remain faithful to the gift of 50,000 reis (11*l.*) which is the amount, or value of the 500 crowns above-mentioned. "Cruzado" (crown) is the name which is still given here and in the whole province at the present day to 100 reis (nearly 6*d.*) in good money, which had formerly the value of 400 reis of bad money, and it does not appear to me that a present of 50,000 reis can be a sign of great wealth. Admitting the case in question to be true, it is this part of the note which refers to facts, which, from what I have said, it is at least perfectly lawful to doubt, inasmuch as they are nothing else but vague words and assertions, which may be answered by denying them. The connivance with which the authorities are positively charged is the effect of the information given by the Arabs to those individuals who employ them as their Agents, grounding their opinion upon the exportation which is really carried on, but which can be, and I believe has been, carried on, at least of late years, without any connivance on the part of the Governors, because, as the said connivance is not indispensable, it is not to be presumed that individuals who set all laws, human and divine, at defiance, and incur

innumerable dangers, in order to satisfy their immense ambition of gain, will go and share those gains uselessly and unnecessarily with persons who cannot prevent the trade, and with whose assistance they can very well dispense.

I still repeat once more that, from what I have above stated, I neither wish to deny, nor do I deny, that there has been, and that there may still be, connivance on the part of some authorities who may take part in the trade, but rather that the charges which are now brought forward do not prove that connivance, and are nothing else but assertions more or less vague, and not entitled to belief without further criterion or consideration. And this criterion and consideration are sufficient, according to my mode of thinking, to prove that it is not possible to admit the shameful charge of connivance at the Slave Trade against officers who have the right to be esteemed as men of honour, until it be proved that they are not so, because, as malevolent suspicions do not respect anybody, a Government which would blindly admit them as sufficient proofs against the honesty of their employés, would not find any one whom it might trust. This is inadmissible.

In compliance, however, with His Majesty's orders, my vigilance and attention on this subject will not abate, and I shall use all the means in my power in order that His Majesty's orders may be faithfully complied with, as I have done up to the present time, and shall continue to do whilst carrying on the difficult task of governing this province, as His Majesty does me the distinguished honour to believe. I see that the honour of His Majesty's Government is pledged to this, having made so many efforts and sacrifices to put an end to this iniquitous and barbarous trade. I see that the honour of the Portuguese authorities is pledged to the same; but, above all, I see the demands of civilization, the good name of the Portuguese nation, and the future prospects of this province.

I have had, until now, to make observations upon the facts to which your Excellency will attach the importance and value due to them; it is now my duty to proceed to the suppositions with which the note concludes, and if I was able to prove the injustice and exaggeration of the former, it will be much easier still to prove the utter absence of grounds for the latter. And I must declare that unfortunately they confirm my opinion that the only object in view is to accuse, without caring for anything else, inasmuch as the informers (I shall not call them accusers), not satisfied with exaggerating facts, have recourse to the vast field of conjecture, in order not to allow us to entertain the slightest doubt that the question is merely "to accuse."

"It is also supposed that the Slave Trade will be resumed on a grand scale at Quillimane, as a Portuguese resident there, called Da Cruz, when at Zanzibar, openly declared that he would soon make good the losses which he had suffered by the sale of 4,000 slaves he possessed at Quillimane."

I shall state what I know, and what are the facts of the case, and my account will destroy the not over flattering hypothesis in the note.

This Cruz is a certain Antonio Jozé da Cruz Coimbra, to whom the suspension of the exportation of colonists in 1856, long before my arrival in this province, occasioned some losses, which he said amounted to about the value of 1,000 and odd slaves, who were then called colonists, whose price and maintenance that suspension had caused him to lose. On this account a suit took place at the Island of Réunion for losses and damages, which was instituted by him against a French merchant whom I saw at Zanzibar when I went there in October of last year on His Majesty's service. The said Cruz having gone to the Mauritius and Réunion in 1860, returned in a French ship which he had freighted, which he afterwards sent to Calcutta, calling at Zanzibar on his own account (a brother of his proceeding in the ship, and died in that city shortly after his arrival); and he himself went in the month of September 1860 to Bombay, as may be seen from the inclosed note drawn up at the General Office. He returned from that city, calling at Zanzibar on the 4th of July, 1861, and proceeded to Quillimane on the 3rd of August. He returned to this city; and having embarked on board the Portuguese barque "Clementina," with a passport of the 15th of October, he quitted this port, bound to Lisbon, on the 2nd of November of the same year. He touched at Quillimane, Inhambane, and at Lorenzo Marques, where it appears that he arrived in March last; and having had some disagreements with the captain of the said barque, he landed, and proceeded on his journey overland to Port Natal, whence he wrote to Quillimane on the 6th of May, informing his father-in-law, Lieutenant-Colonel Custodio Jozé da Silva, that he was going to start by the first packet to England on his way to Lisbon, where I now suppose him to be. This took place in 1861 and 1862, as is shown by the inclosed note from this General Office. Consequently this supposition also falls to the ground completely, and proves that the apprehensions that the Slave Trade will be extensively

resumed at Quillimane on account of the resident called Cruz are, luckily, wholly destitute of foundation.

I believe that I have fully proved the exaggeration of the accounts alluded to in Her Britannic Majesty's Minister's note of the 14th of January, and that the supposition that the Trade will be extensively resumed, according to the authors of those accounts, is groundless. This, however, which serves as a commentary upon the accounts referred to in the note, does in no way exempt me either from adopting all measures and precautions against the Trade, however inefficacious they may be, or of proceeding with all severity, in accordance with law, against all the authorities, and any other persons whatever, who may be suspected of being involved in the said Trade. Thus have I done and shall continue to do; and no considerations of any kind whatever, not even these offensive suspicions, will restrain me from complying with my duty to the best of my knowledge and ability, and from obeying His Majesty's orders on this point with all the zeal and diligence which my position, the honourable but difficult post in which I am placed, and the marks of distinction with which His Majesty, in his Royal munificence, has been pleased to honour me, demand.

Inclosure 4 in No. 105.

Certificate of Passports.

(Translation.)

FRANCISCO DE SALLES MACHADO, Brevet Lieutenant-Colonel in the Portuguese army, and Acting Secretary-General to the General Government of this province of Mozambique, &c. I certify that on examining the registers of passports and of the traffic of the ports of this city and of that of Quillimane, I find the following entries:—

On the 17th of January, 1860, a passport was issued to Fortunato Jozé da Cruz for Calcutta, to sail in the French barque "Angelina," which quitted this port on the 25th of the same month.

On the 21st of September, 1860, a passport was issued to Antonio Jozé da Cruz Coimbra for Bombay, calling at Goa. He departed in the Portuguese hiate (yacht) "Filippino," which left this port on the 27th of the same month.

On the 4th of July, 1861, there appeared in this general office Antonio Jozé da Cruz Coimbra, who arrived from Zanzibar in the American barque "Persia."

On the 3rd of August, 1861, a passport was issued to Antonio Jozé da Cruz Coimbra for Quillimane. He departed in the Portuguese hiate (yacht) "Aguia" on the 4th of the same month.

On the 26th of August, 1861, there appeared in this general office Antonio Jozé da Cruz Coimbra, who arrived from Quillimane in the yacht "Filippino."

On the 15th of October, 1861, a passport was issued to Antonio Jozé da Cruz Coimbra, who quitted this port on the 2nd of November in the barque "Clementina," and it appears from the port traffic of Quillimane that he left that port on the 18th of December of that same year.

And nothing else is to be found on this subject either in the passport registers or in those of the traffic of the ports; and in order to make this known I have ordered this certificate to be issued, which I sign.

Office of the General Government of the Province of Mozambique, November 8, 1862.

(Signed)

FRANCISCO DE SALLES MACHADO,

Acting Secretary-General.

No. 106.

Sir A. Magenis to Earl Russell.—(Received July 5.)

(Extract.)

Lisbon, June 26, 1863

IN the sitting of the Cortes of the 19th instant the Duke de Loulé read to that Assembly the note copy of which is inclosed in my despatch of the 19th instant, which I had addressed to him on the 15th, expressing, in the name of Her Majesty's Government, their regret and their disapproval of the conduct of Commander Smith, of Her Majesty's ship "Torch," in stopping the Portuguese vessel "Paquete de Mossamedes," when about to leave the harbour of Loanda in the month of December 1862.

I inclose, for your Lordship's information, a short précis of the debate which followed,

in which the Duke de Loulé was complimented by the leading members of the Opposition on the successful result of this negotiation, and in which full justice was rendered to Her Majesty's Government for the promptitude with which they had disapproved of Commander Smith's conduct; and, in the words of Senhor Carlos Bento, late Minister of Marine, showed "that the British Government is that of a nation sufficiently enlightened and sufficiently powerful to admit the justice of any reclamations that may be well grounded."

In alluding to what had taken place in the Chamber of Deputies on this subject to the Duke de Loulé when last I saw him on the 25th instant, his Excellency, who was very much pleased with what had occurred, told me that he had received a despatch from Count Lavradio, informing him that on the 13th instant he had addressed a note to your Lordship, complaining of Commander Smith's conduct; and he asked me if I recollected the date of your Lordship's despatch on which my note to him of the 15th was founded.

I answered that I would let him know when I returned home; but it was clear that if Count Lavradio had only addressed his note to your Lordship on the 13th instant, that your instructions to me could not have been the result of that note, as those instructions were not transmitted by telegraph.

I addressed a private letter to the Duke de Loulé yesterday, informing him that your Lordship's despatch was dated the 25th of May, and had reached me on the 13th instant by the Brazil steamer; and further, that the letter from the Admiralty to your Lordship's Department was of the 14th of May; and, consequently, it was clear that the expression of regret of Her Majesty's Government was entirely spontaneous.

I added, that as the reading of my note had produced so good an impression in the Chamber, I thought that impression would be increased if he stated that, by a comparison of dates, it was clear that the regret expressed by Her Majesty's Government was entirely spontaneous, and not the result of Count Lavradio's remonstrances.

Inclosure in No. 106.

Precis of the Report of the Speeches in the Chamber of Deputies in the Sitting of the 19th of June, 1863.

THE President of the Council of Ministers, Duke of Loulé, requested to be allowed to make a communication to the Chamber, which he believed would be agreeable to it. As the question of the insult offered to our flag at Loanda was treated here not long ago, he wished that the Chamber should become acquainted with the note which had been addressed on the subject to him by Her Britannic Majesty's Minister at this Court, dated the 15th instant. He read the aforesaid note, translated into Portuguese. (General applause.) He considered it a most complete satisfaction.

M. Carlos Bento da Silva (late Minister of Marine).—After the communication just made by the noble President of the Council, the Chamber can have no hesitation in causing it to be inserted in the records of the Chamber, "that it was perfectly satisfied with the same."

He added:—"In this we have received a practical proof that the British Government is that of a nation which is sufficiently enlightened and sufficiently powerful to admit the justice of any reclamations that may be well grounded." (Cheers.) He moved the insertion in the records of the Chamber of the declaration above alluded to.

M. José de Moraes seconded the motion, and asked the Government to have the note printed in the Official Gazette.

M. Martens Ferrão (Opposition member, and Minister of Justice in 1869), felt great pleasure in hearing the communication just made by the Duke of Loulé.

He said, this fact proved to his mind that nations should always endeavour to obtain satisfaction for insults offered to them, in a dignified manner, because by thus acting they will always obtain it from those nations which entertain a respect for justice and law.

He added, England has just given a proof of the prudent, judicious, and dignified manner with which she attends to all matters of importance, and of the impartiality with which she decides them. On the occasion in question it was certainly her duty not to forget, and she did not forget, the ancient relations of good and loyal friendship between herself and her most ancient and loyal ally. (Cheers.) A friendship which will not certainly be diminished, but will rather be drawn closer in consequence of the complete satisfaction given, which is as honourable for the nation which demanded it as for the one which offered the same.

"Mr. President, as the Government has communicated to the Chamber the note from the British Government, it has come under the dominion of the public, and it cannot

therefore be inexpedient to have it printed in the 'Diario;' but the Government is the best judge on this point."

In cases of this nature he thought it was flattering to the national dignity that it should be generally known how two nations which respected each other had acted, inasmuch as such questions affect their dignity and honour.

He concluded by expressing his pleasure at the satisfactory manner in which reparation had been made to this country.

M. Quaresma moved that a vote of thanks should be offered to the Duke of Loulé for the able manner with which he had conducted these negotiations.

M. Sant' Anna e Vasconcellos seconded the motion. He concluded by saying that "we had obtained a favourable solution to a question of great importance for ourselves, who, although we are a small nation, know how to esteem our own dignity and honour."

M. Martens Ferrão declared that he certainly would not oppose the vote.

M. Mattos Correia moved that the Minister of Marine should be also included in the vote of thanks.

The two motions were unanimously approved, the Minister of Marine being included in the vote of thanks.

The President of the Council thanked the Chamber for the kindness shown to him; he did not know whether he deserved it, as he had merely done his duty; at all events, it would urge him to endeavour to serve his country well. He would have the said note printed in the Report of that day's sitting (which was done).

The Minister of Marine also returned thanks. He concluded by saying "that, as a member of the Cabinet, it had not been a subject of surprise to him that the powerful Government of Great Britain should have acknowledged our right in the document in question; in this it did no more than render due homage to the principles of justice which regulate the relations of ancient and mutual friendship between the two countries, and which ought to be the rule with respect to the relations between all civilized countries." He said, "It was therefore quite logical, and at the same time very satisfactory, to see an enlightened Government and a great people—great because it is patriotic, and great because it is free (cheers)—sanctioning by their conduct a rule of universal interest, which tends to the respect and independence of all, and tightening the bonds of mutual interest and friendship, which have for centuries united the two countries.

"In reference to questions of this kind, there are neither strong nor weak nations; but law, justice, and reason alone exist. In the present state of the world these alone constitute true greatness, strength, and power; such principles honouring both those who defend them and those who recognize them."

No. 107.

Earl Russell to Sir A. Magenis.

Sir,

Foreign Office, July 20, 1863.

I TRANSMIT to you herewith, for your information, a copy of a despatch from Her Majesty's Commissioner at Loanda,* reporting the condemnation of the Portuguese brigantine "Laura," by the British and Portuguese Mixed Commission Court, on a charge of being equipped for the Slave Trade.

I am, &c.
(Signed) RUSSELL.

No. 108.

Earl Russell to Sir A. Magenis.

Sir,

Foreign Office, August 8, 1863.

I TRANSMIT herewith, for your information, a copy of a despatch from Her Majesty's Commissioner at Loanda,† reporting the capture by the Portuguese authorities at Novo Redondo, of a launch with 79 slaves on board, destined, it is supposed, to have been shipped on board a slaver in the offing.

You will see that Mr. Vredenburg also expresses his fears that more slave-trading is carried on from the Portuguese territories to the southward of Loanda than we have hitherto been aware of.

I am, &c.
(Signed) RUSSELL.

* Class A, No. 70.

† Ibid., No. 71.

No. 109.

Earl Russell to Sir A. Magenis.

Sir,

Foreign Office, October 8, 1863.

WITH reference to Mr. Herries' despatch of the 1st of September of last year, I transmit to you, for your information, copies of a despatch and its inclosures from Her Majesty's Commissioner at Loanda,* stating that the custom of allowing negroes to the number of ten to each vessel to be shipped from that port to St. Thomas under the name of libertos provided with passports is still continued, notwithstanding the assurance made by the Marquis de Loulé to Mr. Herries, that effectual measures had been taken to put a stop to this practice, and that any connivance at this traffic would no longer be permitted. I have to instruct you to take an opportunity of bringing this matter to the serious attention of the Portuguese Government, and you will request that steps may be taken to give effect to the assurances given by the Marquis de Loulé.

I am, &c.
(Signed) RUSSELL.

No. 110.

Sir A. Magenis to Earl Russell.—(Received November 4.)

My Lord,

Lisbon, October , 1863.

I HAVE the honour to inclose herewith to your Lordship copy of a note which I have, in obedience to the instructions contained in your Lordship's despatch of the 8th instant, addressed to the Duke de Loulé, complaining of the continuance of the practice of shipping negroes from Loanda to St. Thomas under the name of "libertos."

I have, &c.
(Signed) ARTHUR C. MAGENIS.

Inclosure 1 in No. 110.

Sir A. Magenis to the Duke of Loulé.

M. le Ministre,

Lisbon, October 16, 1863.

I HAVE the honour to inform your Excellency that I have received the instructions of my Government to call the serious attention of His Most Faithful Majesty's Government to the custom of allowing negroes to the number of ten to each vessel, to be shipped at Loanda under the name of "libertos," and provided with passports granted by the Provincial Government for the Island of St. Thomas, which, according to information received from Her Majesty's Commissioner at Loanda, still continues, notwithstanding the assurances given by your Excellency in the month of September of last year to Mr. Herries, at that time Her Majesty's Chargé d'Affaires, that effectual measures had been taken to put a stop to the practice complained of, and that any connivance at the Slave Trade would no longer be permitted.

In the course of the correspondence which has lately taken place between Her Majesty's Commissioner and the Governor-General of Loanda upon this subject, his Excellency admits that, on taking charge of the Government of the province, the most serious attention to the terms of the Treaty of the 3rd July, 1842, concluded between Great Britain and Portugal for the suppression of the Slave Trade, and the exact fulfilment of the same, were particularly recommended to him; nor does Mr. Vredenburg, Her Majesty's Commissioner, in the least infer that his Excellency is actuated by any disinclination to carry out the instructions of his Government, entertaining on the contrary a conviction that he is acting in a spirit of good faith, although far from feeling satisfied that the precautions taken by him will attain the end he proposes. Mr. Vredenburg considered it his duty to call his Excellency's attention to the fact of the steamer "Donna Antonia" having left the port of Loanda of the 12th April last for St. Thomas with so-called "libertos" on board, and the steamer "Paquete de Mossamedes" having also left on the 13th of May with ten on board, at the same time informing his Excellency that the Commander of Her Majesty's ship "Griffon" had upon visiting the schooner "Nini" found twelve so-called "libertos" on board of her, provided with passports from the Provincial Government.

* Class A, No. 74.

In reply to the representations of Her Majesty's Commissioner, his Excellency states that he has never granted passports for the Island of St. Thomas to more blacks in the condition of "libertos" than to the number permitted by the Treaty in respect to slaves, and under the circumstances specified in the Treaty, always declaring their condition as "libertos" in the passports, and addressing besides a despatch to the Governor of St. Thomas, calling his attention to their condition as free men.

With respect to the schooner "Nini" his Excellency informed Her Majesty's Commissioner that he granted passports by her for the Island of St. Thomas to a colonist who took ten "libertos" with him, and who had duly fulfilled the requisite legal formalities, and also to another European passenger, and that he was not aware of any other person being on board; but as twelve blacks were discovered, he imagined they could not be all provided with passports, admitting at the same time that on certain occasions twelve blacks had gone on board the same vessel to St. Thomas, ten in the condition of "libertos" accompanying some colonist, and two as free blacks provided with passports, which they had applied for under circumstances which did not admit of their being withheld, since, otherwise, many persons in the country would be prevented from leaving it merely on account of their colour.

In conclusion, I have been instructed by Her Majesty's Government to request your Excellency to have the goodness to cause steps to be taken to give effect to the assurances made by your Excellency to Mr. Herries, to which I have above referred, so that the practice complained of may no longer, under any pretence, be permitted.

I avail, &c.

(Signed) ARTHUR C. MAGENIS.

No. 111.

Sir A. Magenis to Earl Russell.—(Received November 19.)

My Lord,

Lisbon, November 11, 1863.

I HAVE the honour to transmit herewith a despatch addressed to your Lordship which I have received, under flying seal, from Mr. Vredenburg, Her Majesty's Commissioner at Loanda, inclosing further correspondence with the authorities at Loanda respecting the continuation of the practice of exporting blacks to the Island of St. Thomas under the name of libertos.

I have, &c.

(Signed) ARTHUR C. MAGENIS.

No. 112.

Sir A. Magenis to Earl Russell.—(Received December 5.)

My Lord,

Lisbon, November 26, 1863.

WITH reference to my despatch of the 20th ultimo, I have the honour to inclose herewith copy of a note which I have received from the Duke de Loulé, by which your Lordship will perceive that His Most Faithful Majesty's Government allege that they are unable to hinder the shipment of free negroes (libertos) from Loanda to the Island of St. Thomas, when provided with documents proving their condition; the Treaty of the 3rd July, 1842, between Portugal and Great Britain being in no way violated thereby.

I have, &c.

(Signed) ARTHUR C. MAGENIS.

Inclosure 1 in No. 112.

The Duke of Loulé to Sir A. Magenis.

(Translation.)

Foreign Office, Lisbon, November 24, 1863.

WITH reference to the note which you were pleased to address to me under date of the 16th of October last, calling the attention of His Majesty's Government to the practice of allowing the shipment of free negroes (libertos) from Loanda to St. Thomas, with passports from the local authorities, it is my duty to forward to you the inclosed extract

CLASS B.

Q

from a despatch which I have received from the Minister of Marine under date of the 10th instant.

From the contents of that despatch, and from a part of a former one, dated the 27th of June last, to which his Excellency alludes, copy of which is likewise inclosed, you will observe that in consequence of the rules laid down in the Decree, having the force of law, of the 14th of December, 1854, His Majesty's Government cannot hinder the shipment of free negroes (libertos) to that island, and that as the said blacks are provided with documents proving their condition as free or freed-men (libertos), they depart for their destination in due accordance with the law.

Therefore inasmuch as this shipment of free negroes or freed-men (libertos) is carried on in conformity with the laws of the country, and watched over by the competent authorities, His Majesty's Government trusts that Her Britannic Majesty's Government will not fail to acknowledge that the practice pursued at present does not in any way violate the Treaty of the 3rd of July, 1842, between Portugal and Great Britain, which has only reference to slaves properly so called, as the Minister of Marine remarks.

I avail, &c.

(Signed) DUKE OF LOULE.

Inclosure 2 in No. 112.

The Minister of Marine to the Duke of Loulé.

(Translation.)

(Extract.)

November 10, 1863.

I HAVE just received your Excellency's despatch of the 24th of October, inclosing the translation of a note in which Her Britannic Majesty's Minister at this Court calls the attention of His Most Faithful Majesty's Government to the practice of allowing the shipment of negroes from Loanda to St. Thomas, under the title of freed-men (libertos), with passports from the local authorities; and your Excellency requests me to enable you to reply as soon as possible to that note, whilst you declare that you had already communicated to the same Minister my despatches of the 24th of February, 7th of March, and 28th of October, 1862.

I observe that the aforesaid Minister takes for his ground the assurances which your Excellency gave to Mr. Herries in the month of September of last year, that effective measures had been adopted to put an end to the practice which gave rise to this complaint, and that any further acts of connivance in the Slave Trade would no longer be allowed.

I am ignorant of what expressions your Excellency made use of to give the British Minister, Mr. Herries, those assurances, but an absolute prohibition could only apply to any act of connivance in the Slave Trade. But not even with respect to freed-men (libertos) could such an absolute prohibition be made, not only because they are not in the same category as slaves, to whom the Treaty of the 3rd of July, 1842, refers, but also because, inasmuch as they are not in the same category, neither can the Portuguese Government forbid their shipment when duly legalised, nor is it known upon what grounds the British Government demands that prohibition, depriving St. Thomas of free workmen, whom both the laws of the country and the Treaty above alluded to do not deprive it of.

The Governor of the province was enjoined to adopt the most rigorous measures and the necessary steps, in order that the negroes proceeding to St. Thomas should be provided with documents to prove their condition as free or freed-men (libertos), namely, with respect to the former, the deed of their manumission, and with respect to the latter, their passports and the proper passes with which documents they appear before the protecting Board of slaves and freed men (libertos) at St. Thomas, so as to enable the same to exercise its salutary vigilance in regard to them.

As is evident, the legal shipment of freed-men (libertos) is one thing, the shipment of slaves another. It is important not to confound the two.

Energetically repressed as the traffic has been, which the Government can prove by many facts, it draws a distinction where it ought to do so. Up to this the Government has been a faithful observer of the said Treaty.

As it appears even from the note of Her Britannic Majesty's Minister, the Governor-General of Angola has curtailed the issuing of passports for St. Thomas, granting them only to ten negroes to be shipped in each vessel, the number of these in the condition of freed-men (libertos) being equal to the number of those whom the Treaty allows to be shipped in the same manner, in the condition of slaves, without in any way destroying the right possessed by the Portuguese Government, of allowing the shipment, up to any number, of free negroes or freed-men (libertos) from Angola to St. Thomas, as I stated to

your Excellency in my despatch of the 27th of June last ; an essential point, with respect to which I refer you altogether to the observations mentioned in that despatch.

I cannot therefore say anything more on this subject, except that it appears to me to be extremely expedient, before anything else, to ascertain upon what international rule is the objection to the shipment of any number of free negroes (libertos) from one Portuguese possession to another grounded ? Where, when, and in what manner was it settled, that not even that which the Treaty authorizes to be done with respect to negro slaves, cannot be allowed with respect to free negroes (libertos) ?

My opinion is that these preliminary considerations are essential, and that until they shall have been duly weighed, not a single step can be taken in this matter.

Inclosure 3 in No. 112.

The Minister of Marine to the Duke of Loulé.

(Translation.)

(Extract.)

June 27, 1863.

AT present, as your Excellency is aware, the Decree, having the validity of law, of the 14th of December, 1854, is in full force, which Decree regulated the registration of slaves, and settled once for all the legal meaning of the word, and of the condition of freed-men (libertos).

That Decree contains amongst other rules, the following :—

All slaves existing in the Portuguese ultramarine dominions at the time of the publication of this Decree shall be registered within thirty days.

All those who may not have been presented and inscribed in the said register shall be held to be freed-men (libertos).

From the date of the publication of this Decree, all slaves belonging to the State are to remain free.

All slaves who may be imported overland into the said dominions after the publication of this Decree shall also be registered in a special book, and shall be considered to remain in the condition of freed men (libertos), but under the obligation of serving their masters for the space of ten years.

The sale of the services of these freed-men (libertos) is lawful with respect to the whole of the time during which they are bound to perform them, or during any part of that time.

The State is the patron and natural guardian of slaves, freed-men (libertos), and of their children.

The exercise of this guardianship is entrusted in each of the Ultramarine Provinces to a Board, called "The Protecting Board of Slaves and Freed-men" (libertos).

These contracts, having reference to their services, entered into with African Chiefs or individuals, are to be subject to the special control of the Protecting Boards, it being the duty of the other authorities also to watch that no abuse be made of those contracts in contravention of the laws which prohibit the Traffic in Slaves.

From these regulations it is evident that free negroes (libertos) who may have sold their services to individuals residing at St. Thomas, cannot be prevented from embarking for that island ; and that, as they are provided with documents proving their condition as free or freed-men (libertos), such as a deed of manumission, or a passport and, with respect to the latter, a safe-conduct to enable them to appear before the Protecting Board of Slaves and Freed-men (libertos) at St. Thomas, they depart for their destination in due accordance with the laws ; and that as they continue to be subject there to the control of the aforesaid Boards, whilst at the same time the other authorities are bound to watch that these transactions which are carried out in conformity to the laws of the country, do not violate those which prohibit the Traffic in Slaves, the Treaty of the 3rd of July, 1842, which only refers to slaves properly so called, neither can, nor ought to be, held to have been violated on this account.

Finally, these transactions are identical with those which, as I am informed, are carried on with a slight difference of form among the black labourers in the British Colonies, and even amongst the whites in different parts of the globe, when they engage their services for a certain term under the mutual guarantee of the law ; and as the Portuguese Government has never interfered in these transactions carried on in the British Colonies, it appears to me that there exists a right to hope that Her Britannic Majesty's Government will act in a similar manner when negroes, held to be Portuguese subjects, provided with official documents, and protected by the authorities, make use of the liberty which all other subjects possess, of changing their place of residence as it may suit their purpose.

No. 113.

*Earl Russell to Sir A. Magenis.*Sir, *Foreign Office, December 17, 1863.*

I TRANSMIT to you, for your information, an extract of a despatch from Her Majesty's Commissioners at the Cape of Good Hope,* reporting on the Slave Trade from the Portuguese dominions on the East Coast of Africa for the year ending September 30, 1863.

I am, &c.

(Signed) RUSSELL.

PORTUGAL. (Consular)—Cape Verds.

No. 114.

Acting Consul Coaffee to Earl Russell.—(Received November 5.)(Extract.) *St. Vincent, Cape de Verd Islands, September 30, 1863.*

WITH reference to the reports that slave-vessels call at the Cape Verd Islands for supplies, and that a slave-vessel called the "*Atlantic*," with a cargo of slaves on board, had called off Porto Praya in the month of September 1862, and had been furnished with supplies from thence; also, that there is reason to believe that a person residing at Porto Praya was the owner of a schooner called the "*Caledonia*," which is stated to have been captured by one of Her Majesty's cruisers off the African Coast; I have the honour to report that when Mr. Henrique José d'Oliveira, the Consular Agent for Praya, was here awaiting the arrival of the "*Parana*," to embark for Lisbon, on a visit of several months, I addressed him a letter, calling attention to these matters, and I have the honour to transmit herewith a translation of his reply.

With reference to the "*Atlantic*" and "*Caledonia*," if I have any hesitation in supporting the statement made by Mr. H. J. Oliveira, that no vessels for many years past have called at the Cape de Verde Islands for refreshments, and continued their voyages for Traffic of Slaves, I have none whatever in declaring it impossible that the "*Atlantic*" could have called off Porto Praya, with a cargo of slaves on board, and obtained supplies there, without the fact coming to Mr. Consul Miller's knowledge, or to mine. I would beg to represent to your Lordship that the law and the regulations of the Customs at the Cape de Verdes require vessels calling for supplies (much or little) to first anchor in the port, so that the visit of health may be made, and communications with shore permitted or restricted. Regarding the "*Caledonia*," I am unable to gather any further information than that stated in Mr. H. J. Oliveira's letter.

As to whether there is any reason to believe that slaves are still in the habit of touching for supplies at the Cape de Verde Islands, I beg to state that nothing has transpired to warrant that belief; but that on the 5th June last Mr. Consul Miller received information that at the port of Tarrafal de Monte Trigo, in the Island of St. Antonio, there exists a deposit, consisting of 150 casks, with water and provisions, for the purpose of supplying vessels engaged in the Traffic of Slaves; which information he communicated to his Excellency the Governor-General of these Islands, so as to enable his Excellency to ascertain its truth, and to take measures accordingly; but his Excellency replied, under date of the 15th June last, "that for a long time no attempts have appeared in this province in respect of the wicked Traffic of Slaves, yet his Excellency assured Mr. Consul Miller that special instructions have been given to seriously examine into the matter, and in case of encountering signs indicative of that traffic, to legally prosecute all concerned in its extinction." Again, on the 19th September last, I addressed a letter to his Excellency, to the effect that recently a further importation of 150 water-casks had been made into this island; these were shipped at Lisbon on board the steamer "*Donna*

Antonia," one of the line of steamers running between Lisbon and Loanda, and the casks are now in deposit in the Custom-house of this island. I may be permitted to add, for your Lordship's information, that a Portuguese schooner, fore and aft rigged, named "Dois Amigos," captain and owner H. A. de Brion, of about 100 tons burthen, is about to ply between Bissau and these islands, for the purpose of importing corn, &c., as no rains have fallen amongst any of them this season—thereby causing scarcity of food; the schooner belongs to the port of Lisbon. Finally, I have the honour to state that beyond the matter of the water-casks before-mentioned, I see no reason to believe that slavers are still in the habit of touching for supplies at the Cape de Verde Islands.

Inclosure in No. 114.

Mr. Oliveira to Acting Consul Coaffee.

(Translation.)

(Extract)

St. Vincent, September 22, 1863.

ANSWERING your official letter dated 21st September instant, in which you ask me for explanations upon the different questions respecting the steamer "Dart," Commander Richards, as also if in the port of Praya it is still customary for vessels to call for refreshments that are concerned in the Traffic of Slaves, I beg to say:

1. Upon slavery I will say positively that many years have passed since vessels have called at the Cape de Verde Islands for refreshments that pursued their voyage to that traffic; such assertion is false, and much more so all that is said in relation to schooner "Caledonia," a schooner that never existed amongst the Cape de Verde Islands. There sailed from Porto Praya for Bissau the schooner "Candinha," the property of Hannibal Jozé da Silva, with lawful merchandise, and as no notices had been heard of her she was considered to be lost, and the American Consul (friend of the owner of the schooner) asked the Commander of the "Dart" if by chance he knew anything of the said schooner. This perhaps gave cause to the Commander to suspect that she was engaged in Traffic (slave); but one month afterwards it was known that the "Candinha" had arrived at Goree for repairs, and that after repairing she came to Porto Praya. I ought to state that there has never been known nor heard suspicion that the house of Barboza and Sons, established in Bissau and the Island of Fogo, made traffic with slaves.

2. Finally, it is entirely thoughtless and short of common sense to believe that in Porto Praya, the residence of the Governor-General and the capital of the Archipelago of the Cape de Verds, it should be permitted that there should be equipped or provisioned slave-vessels, when, otherwise, it is well known that in that city there is every philanthropy in respect of slavery; and, besides, not four years ago I myself gave liberty to all the slaves I possessed, they being considered as men entirely and truly free.

I assure you that all I have said is pure truth, and that you may certify the Government of Her Britannic Majesty that for many years in the Cape de Verde Islands the contraband in slaves has been unknown.

PORTUGAL. (Consular)—Quillimane.

No. 116.

Dr. Livingstone to Earl Russell.—(Received July 22, 1863.)

(Extract.)

River Zambesi, December 29, 1862.

BY information from various sources, which I have every reason to believe thoroughly reliable, I regret to find that slaving continues to go on briskly between the valley of the Shire and Tette, and that white men are employed to lead the black slave-hunters. A few Makololo left by us near the cataracts took it on themselves to disperse several slaving parties, but at last refrained on seeing two whites in a company, in order, they say, to avoid even by accident shedding white men's blood. A famine caused partly by a drought, but chiefly by the inroads of the slave-hunters, has added greatly to the evil; and the country below the cataracts will soon be as scarce of population as that near the Portuguese settlements. So many are taken down to Quillimane, that whereas during the continuance of the Bourbon emigration system, eight fathoms of calico were paid for each slave, they now fetch only a fathom a-piece. From Tette they are sent up the Zambesi to purchase ivory, and the Governor, who is the principal slave-merchant there, speaks of this as binding them apprentices for ten years according to law.

In connection with our attempts to put a stop to the above-mentioned Traffic, and to the much more extensive Slave Trade on Lake Nyassa, amounting, it is believed, to at least 20,000 annually, I beg to inform your Lordship that the case of six tradesmen has lately been brought to my notice by his Excellency the Governor of the Cape. By trade they are two carpenters, two masons, and one smith, and are Scotchmen. The leader is an Englishman. They worked at their trades in the Cape Colony, and their wages went to a common fund, with which two waggons were bought in order to proceed overland and join us. Their good conduct is testified to by the Magistrate of Aliwal North, who is said by the Colonial Secretary to be a man of sound judgment. I have approved of their being sent round by sea, and recommended them to aim as soon as possible at giving the people on the Lake an example of independent industry and Christian life. We may employ them for a short time in transport and in erecting a station above the cataracts and another on the Lake, but as soon as we can afford them protection by the steamer they must act as an independent body. They are probably hardy, frugal, and industrious, and seem just the men we need, brought to hand without our seeking.

In accordance with the attempt to supplant the Slave Trade by lawful commerce I purchased 230*l.* worth of calico, and have it now on board the "Pioneer." It is intended as an experiment, and, not to complicate the Government in trading, is from private resources. It would not have been mentioned at all at present, but for the proceedings of the Governor-General of Mozambique and the Governor of Quillimane, who affect alarm lest damage should be done to the commerce of the country by the quantities of luggage brought in through the Kongone mouth of the Zambesi "for the scientific and exploring expeditions under Dr. Livingstone and Bishop Mackenzie." He is well aware that our expedition received none of the luggage referred to, and that we have materially increased the lawful commerce by opening up districts into which no Portuguese durst previously enter, and that even his own brother is enriching himself by turning our discoveries to a purpose we never anticipated. A short explanation, however, of the distinction between the Government expedition and the mission of the Universities, avoiding any phrase provocative of discussion, which has a tendency here to glide into altercation, will probably calm his alarm for the present. But the question of free navigation of the Zambesi and Shire becomes increasingly urgent. No Portuguese ever uses the Zambesi as it flows into

the sea below Mazaro, nor do they ever enter the Shire. And Mr. Sunley, Her Majesty's Consul at Johanna, and others, are desirous to establish centres of industry on Lake Nyassa, provided the ingress be made free. The offer of Mr. Sunley is of great value, for I can confidently affirm that had he given employment and wages on the same scale in Africa as he has done in the paltry Island of Johanna, he would have rooted out slavery over a very large district. The beneficial effects of his experiment have been marred by the very limited sphere to which it has been confined, and by his political relations with the head men of the island or slaveholders. He assured me that he would willingly hand over his present manufactory to a deputy in order to make a trial of free labour in Africa. And I believe, not for the sake of gain, but to leave his mark in good done in the world. Your Lordship will judge how valuable his experience would be in reducing to order the mass of population that crowds round an English establishment, when the missionaries, who are all intelligent men, were so bewildered with about 200 free people that no sanitary regulations were made, the station became a cesspool, and about fifty of the people perished. But no one in his senses would come under any sort of subjection to the officers of Portuguese convict settlements. And yet it seems essential to a practical change of the system that has allowed the region between Cape Delgado and Delagoa Bay to be virtually a private "slave preserve" that our countrymen should have free access. The way in which the passions of the natives are turned to account is quite beyond the control of the Government of Lisbon. The Ajawa, for instance, were furnished with arms and ammunition by means of Tette slaves, to be paid for in Manganja captives. The forays that followed drove the Manganja away from their well-cultivated fields; famine followed, and now the fugitives as well as the victors are almost compelled to sell their people to the Tette agents to keep themselves from starving. They are at present, and as we saw a year ago in coming down the Zambesi from the Makololo country, sent up this river beyond Tette, and each slave commands an elephant's tusk, value 10*l.* or 12*l.* This market is limited, for the demand is chiefly for wives; but the trade is quite ready to turn to the coast, as indeed it now is at Mhambane, whence we hear the boast that three slavers lately departed.

Taking it for granted that the Portuguese Government is really anxious to suppress the Slave Trade, they are only required to yield the joint use of forty miles of river, on one side of which there is only one Portuguese, and on the other they have to pay heavy annual tribute. This is the space between Mazaro and the mouth of the Shire. The Zambesi below that point and the Shire never are used by any Portuguese, nor have they ever been put to commercial uses other than occasional slaving. All commerce might be considered in bond till up the Shire, or the custom-house be placed at Senna; and as all the dues levied at Quillimane, amounting at least to only 600*l.* per annum are, derived from merchandise going and coming from Senna and Tette, the revenue would be increased by the stimulus which lawful traders would impart to the whole country.

In coming lately from Johanna our coals were expended before we could enter this river, and the wind being against us we had to sail away back to the Quillimane river to cut wood. We found a Portuguese barque named "*Joven Carlotta*" anchored at Quillimane village. She had been disabled in the Mozambique Channel nine months previously, and was leaking badly, but the Governor said she had loaded partially with rice, which at her alleged destination (Mozambique) would yield scarcely any profit. An officer from the "*Pioneer*" went aboard, ostensibly to make a trifling purchase, when a tarpaulin was thrown across the hatch and all work stopped till he left. Having some Zambesi natives serving in the "*Pioneer*," one of them familiar with Quillimane remarked in our hearing to his companions, "*Senhor Pimento* has the slaves for this barque in the village; it was he who sent for her." Pimento was the coadjutor of *Senhor Cruz* during all the sad slave emigration by the French. Her Majesty's ship "*Rapid*" happening to call, I accompanied the first lieutenant from the place where we were wooding up to the village, met the Governor on the jetty, and felt surprised that he should at once off-hand begin to explain that the barque was not going to Mozambique if the wind did not suit, but would start for Lisbon, "as it might not be safe to beat against the wind." On my remarking that a voyage round the Cape and storms seemed more dangerous than that of a few days to Mozambique, his Excellency tendered the explanation that the leak was in her stem, and in going to Lisbon she would have the wind all the way in her stern! Having communicated my [suspicions?] to the captain of the "*Rapid*" (*Jago*), with not much prospect that she will be caught, I expect soon to hear that she loaded with slaves at the Mokuse river, a little north, or at another a little south of the Quillimane. And this is the way it will go on, because they do not regard the traffic as immoral, and seem to ignore the dreadful amount of misery and woe to which it gives rise. We might leave all we have done in obtaining influence by this entrance to the independent tribes and begin at the bottom of

the ladder in the Rovuma, but this would be only consenting to this region still being-held as the slave-preserve of the Portuguese.

Inclosure 1 in No. 116.

Mr. Burnet to the Colonial Secretary, Cape Town.

Sir,

Civil Commissioner's Office, Aliwal North, September 8, 1862.

I HAVE the honour herewith to transmit, for the favourable consideration of his Excellency the Governor, a letter, to-day handed in to me, by John Jehan, an Englishman, who as the chosen head of a select party of Scotch emigrants, mechanics, arrived with them at Aliwal North about the month of January last, with the avowed intention of prosecuting their journey to the far interior, and there by their own exertions founding an independent Christian mission.

Mr. Jehan states that he was formerly connected with the London City Mission, and came out to South Africa purely for missionary purposes, where he has gradually, one by one, gathered the few young men he mentions round him.

I am bound in justice to say that their conduct has been most exemplary, and although their proposed expedition seems to partake of romance, they adhere to their resolution, and, one and all, at their trades respectively, are diligently working to complete what means are still wanting to enable them to carry out their object. They are one and all fine sober young men, and Mr. Jehan as their head seems to have a very extraordinary command over them. This has appeared more clearly from his having some time ago, summarily, and with the full consent of the others, expelled one of the party who had broken through the rules by which they had bound themselves to carry out the object in view.

I think such a party might form a valuable addition to the Zambesi mission; I can scarcely doubt their persevering in the course they propose to themselves. Mr. Jehan appears under a very unassuming modest exterior to be a man of great strength of mind and firmness of character. He has shown his love and aptitude for missionary work by visiting the sick and distressed in this neighbourhood since his arrival.

I will add nothing more at present; but should his Excellency see fit to take Mr. Jehan's proposal under consideration, any information will be at once afforded by him to enable his Excellency better to comprehend the fitness of him and his party for the work in view.

I have, &c.

(Signed) JOHN BURNET,
Civil Commissioner of Aliwal North.

Inclosure 2 in No. 116.

Mr. Jehan to Mr. Burnet.

Sir,

Aliwal North, September 8, 1862.

THE deep interest which is taken in the efforts which Dr. Livingstone is now putting forth in the interior induces me to lay before you a few facts connected with a party of young men of whom I am the leader. After reading Livingstone's work on the interior, I was strongly impressed with the idea that if a few mechanics could be induced to enter into a journey of exploration it would prove successful. These views I communicated to five other young men of different trades, who at once saw the possibility of accomplishing such a journey. We formed ourselves into a company in July 1861, since which time we have worked together, each man depositing his earnings with the Treasurer, and receiving only clothes and food. We are now armed, have two waggons, and two spans of oxen, and means to buy such outfit as we need for our journey. We have determined to start from here in March next, cross the Kahatakari desert, and thence to the Zambesi.

But after consulting together, we have come to the conclusion, that if his Excellency the Governor will accept our services to aid Livingstone's efforts, we shall forego our inland journey, and proceed to the scene of the Doctor's labour. All we require is, that one of Her Majesty's ships would take us on board at any port, say East London, the nearest, and land us on the nearest shore to Livingstone, under whose instructions we shall place ourselves, and whose efforts we shall aid with all the ability at our disposal.

Supposing that this proposition be accepted, we shall be ready to start from here on

the 1st day of January. We are by trade—two masons, two carpenters, and one blacksmith.

The writer has spent his time hitherto in missionary labours.

Our ages are between 25 and 32 years. We are inured to toil, in possession of sound health.

If the above facts approve themselves to your mind, you will confer a great favour upon us by placing them before the Governor.

I have, &c.

(Signed) JOHN JEHAN.

Inclosure 3 in No. 116.

The Colonial Secretary, Cape Town, to Mr. Burnet.

Sir, *Colonial Office, September 26, 1862.*
IN answer to your letter of the 8th instant, inclosing a communication from Mr. Jehan, in which he requests on behalf of himself and his companions a passage in one of Her Majesty's ships to the mouth of the Zambesi, I am directed to inform you that his Excellency, after communicating with the Admiral, learns that it is not probable that he will be sending a ship up the coast in January, and the Governor thinks that it would be unadvisable for the party to proceed to join Dr. Livingstone without some previous communication.

A vessel is about to proceed up the coast in a few days, and his Excellency will send copies of your letter and its inclosure to Dr. Livingstone. The reply will be forwarded as soon as it is received.

I have, &c.

(Signed) RAWSON RAWSON.

Inclosure 4 in No. 116.

Memorandum.

THE slave-hunting on the east or left bank of the Shire is referred to separately because it began seven years before the Tette people engaged in it from the opposite bank, and because its history shows how little is to be hoped for from the present system of government. A half-caste Portuguese called Marianno used a stockade at the mouth of the Shire as a convenient point from which to make forays up the river to supply his brother-in-law, M. Cruz, with slaves for export. In 1856 I found him living in open defiance of the Government, and he even proceeded so far as to attack Senna and kill Portuguese troops. He gradually became more and more bloodthirsty, till the murders he committed made him the terror of the country; yet, feeling sure that the wealth he had acquired would smooth everything before him, he voluntarily went to Quillimane and delivered himself up for trial. On condemnation for over forty murders, most of them in cool blood, to make an impression in the country, the sentence was only three years' imprisonment, and the amount of liberty he enjoyed during the punishment caused the general impression that his money had not been without effect on the authorities. He came back to Quillimane last year, and lived with the Governor until, as is said, "he ran away." The Governor made as if he would run after him, and when we came down the Shire a year ago he made very eager inquiries as to Marianno's whereabouts. Marianno, with about 1,000 arms in the hands of his slaves, has been ravaging all the country around Mount Clarendon, and inflicting all that misery south and east of the Shire cataracts which the Tette people are doing in the country farther north. The fugitives are crowded down to the Shire near the Rus, and here again famine will follow and cut off far more than are taken out of the country. It has not yet transpired where his captives are sent to, but he has no difficulty in procuring arms and ammunition from the traders of Quillimane and the Zambesi.

Nine hundred miles of the East Coast were acknowledged as nominally Portuguese on the express understanding that the Slave Trade should be put down. As already mentioned, it has been made a private slave-preserve instead. Between Sierra Leone and Loanda, on the West Coast, with only about double the number of miles, we have seven or eight English settlements from which potent moral influences are shed inland. In this 900 miles we have not one free avenue; and the system of warfare and alarm which any private

Portuguese may with his slaves carry on is a terrible barrier to the efficiency of our cruisers. The wars, or rather forays, of private people, such as Marianno, Belchior, Sekwasha, and the Tette merchants, amass large numbers of slaves which, at the shortest notice, are sent down to the coast, while the state of alarm in which wide regions are thrown renders industrial pursuits impossible. If none but the lowest class of Portuguese were admitted into the West Coast, the vast benefits which the squadron has there conferred could never have been realized. And if your Lordship can prevail upon the Portuguese to grant the same privileges of free trade as the English settlements on the Gold Coast offer to all nations, an inestimable boon will be conferred on Eastern Africa.

It appears to me that the system revealed in this despatch has had the direct effect of nullifying the policy which Her Majesty's Government have laboured so long and so hard to uphold. The squadron was expected, by keeping the Slave Trade in check for a time, to allow Christianity and civilization to put forth their influence, and thus indirectly to eradicate the evil. In the West Coast a large amount of success has followed. Lawful commerce, which previously did not amount to 20,000*l.* annually, is now worth between 2,000,000*l.* and 3,000,000*l.*, and the tonnage employed in carrying it exceeds that of the Slave Trade in its palmiest days. It is yearly increasing in value, and will continue so to do. Stability has been given to various settlements on the coast. Missions have been protected and their efficiency promoted by the countenance and respect shown by the officers; the country dialects have been reduced, and the way paved to the interior by the blessings of peace to millions there, who, before the cruisers came, could only expect marauders from the coast. On this coast, however, the same repressive measures have not influenced in the least the paltry peddling in ivory and gold-dust, which constitute the trade on the Zambesi.

(Signed)

DAVID LIVINGSTONE.

Inclosure 5 in No. 116.

The Government Secretary of the District of Quillimane to Dr. Livingstone.

(Translation.)

*Government House of the District of Quillimane,
Quillimane, December 15, 1862.*

Sir,

I HAVE the honour to transmit to your Excellency, for your information and for due effects, the inclosed copy of the note which was addressed to me on the 14th August last from the Secretariat of the General Government of this province, forwarded by the Military Section.

In fulfilment of the orders contained in the former part of the said note, I have the honour to inform your Excellency that the Government of His Majesty the King, in ordering that your Excellency in your quality of scientific explorer in Southern Africa, and the members of any other scientific explorations, should be assisted by the authorities of the province, did not and could not grant to you the privilege of exemption from payment of duties on merchandize which may be imported into our dominions, but wholly and solely on articles for your own use or that of the exploration which cannot be considered as objects of commerce.

With respect to what is determined in the second part of the said note, it is my duty to inform your Excellency that by an order (Portaria) of the Governor-General of the province, dated 13th August of the present year, No. 171, published in the official Bulletin of the General Government of this province, No. 33 of the 9th day of August, a Delegation of the custom-house of this town was erected at the bar of Inhamessengo,* and to make the same known to your Excellency, and that those objects alone can be exempted from payment of fiscal duties which are especially intended for the private use of the individuals composing scientific expeditions or explorations, but not those articles which, by the regulations in force in this province, are required to pay duties, such as cottons, arms, gunpowder, and other articles; and to prevent all doubt, your Excellency will have the goodness to transmit to me, in your official character of Her Britannic Majesty's Consul in Quillimane, a statement of the articles which are permitted to enter without paying duties, in order that I may transmit the same to the Secretariat of the General Government of the province, as I am ordered to do in the last part of the letter from the said Secretariat.

And as your Excellency is directly in communication with the learned explorers of the party of the late Bishop Mackenzie, and will be so with any others who may possibly come at a future time, I request that you will have the kindness, in your official character

* Say Kongone.—D. L.

as Her Britannic Majesty's Consul in Quilimane, to inform all of them of this, and particularly to make known to them everything which I have the honour to communicate to your Excellency in this note.

God preserve, &c.

(Signed)

JOAO DA SILVA.

Inclosure 6 in No. 116.

The Secretary to the General Government of the Province of Mozambique to the Government Secretary of the District of Quillimane.

(Translation.)

Sir,

Mozambique, August 14, 1862.

HIS Excellency the Governor-General of this Province, having considered the several communications which you have made to him relative to the entry, through the Bar of Luabo, of various articles which, under the pretext of being intended for the scientific expedition of Drs. Livingstone and Mackenzie, should from their quantity and quality be considered as articles of commerce, and are liable to the customs duties, which are paid upon similar articles in all parts of the Province, for whatever they may be intended, I am directed by his Excellency to suggest to you to inform Dr. Livingstone or the members of any other scientific exploration that the Government of His Majesty the King, in ordering that these and similar scientific explorations should be aided by the authorities of the Province, did not and could not grant to them the privilege of exemption from paying duties on the merchandise which they might import into our dominions, but solely upon articles for their own private use, or that of the exploration, which cannot be considered as objects of trade; as otherwise there would exist a privilege injurious to the interests of the public treasury, and to all the foreign nations which are established in this Province. You will therefore, in compliance with the order (Portaria) which I have sent you under this date, forthwith inform Dr. Livingstone, or any other person, that a delegation of the Custom-house here is established at Inhamessengo,* in order that they may be aware that such articles only can be exempted from fiscal duties which are especially intended for the private use of the individuals composing the scientific explorations or expeditions; and not those articles which, according to the regulations in force in this Province, ought to pay duties, such as cotton, arms, gunpowder, and other articles. And, in order to obviate all doubt, you will require of the said Dr. Livingstone, in his official quality as British Consul, in Quillimane, declaration of the articles which are to enter the Luabo, in the former case of entering without payment of duty. And in order that the Government of His Majesty the King may be faithfully informed, you will transmit to this General Government copies of all the communications which you make in this matter.

God preserve, &c.

(Signed)

FRANCISCO DE SALLES MACHADO,
General Secretary, ad interim.

No. 117.

Dr. Livingstone to Earl Russell.—(Received July 22.)

My Lord,

River Shire, January 28, 1863.

IN coming up this river with the lake steamer in tow, we have met no obstruction till within forty miles of the cataracts, but we hope to overcome all difficulties within a few days.

In my despatch of the 29th of December last, I gave some information respecting the effects of the slave-hunting on this river—famine followed; we have witnessed its effects in the comparatively few villages to be seen on the banks of the river, in the emaciated forms of the poor wretches who try to save themselves by fishing, and in the numerous dead bodies that daily float down the stream—we counted nineteen in a week. As many as have had strength to go have fled to other districts, and here, where we could get any amount of provisions at the cheapest rate, cultivation is entirely abandoned, and nothing whatever can be purchased. The slave-dealers of Tette, taking advantage of this state of want, now bring food, and with it buy the starving and dispirited inhabitants. The difficulties of our undertaking will now be greatly increased by our being obliged to bring every morsel of provisions for ourselves and natives between 200 and 300 miles.

When we came into the Shire, a large canoe laden with gunpowder, arms, wines, &c. had been seized passing up to the slave-hunting rebel Marianno as mission property!

* Say Kongone.—D. L.

These supplies cannot be sent without the connivance of the Governor of Quillimane, and it is highly probable that he induced the Governor-General to believe that we were making use of the Kongone to introduce arms and ammunition in order to screen his own connivance.

With this Marianno slave-hunting east of the Shire, near Mount Clarendon; with two private Portuguese, Belshore and Mello, making forays at pleasure west of the said point; with several parties from Tette actually out in the country north of this; and several slaving parties from Senna in the country south of that village; and the fact that any one at will may, with a few armed slaves, make a foray in any direction, I see more plainly than ever that, without an alteration in the exclusive system of the Portuguese, the beneficial effects of Her Majesty's cruizers can never be realized here as they have been on the West Coast. The question assumes the greatest importance to me, inasmuch as, if they are to follow us into the Lake region, our labours will be in vain. The idea of this takes the pith out of one's heart; but we shall go on with our road-making.

I have, &c.

(Signed)

DAVID LIVINGSTONE.

SPAIN.

No. 118.

Sir J. Crampton to Earl Russell.—(Received January 10.)

My Lord,

Madrid, January 6, 1863.

I HAVE the honour to inclose the copy of a note which, on the receipt of your Lordship's despatch of the 31st ultimo, I lost no time in addressing the Spanish Minister for Foreign Affairs, apprizing his Excellency of the shipment, on the morning of the 20th October last, of a cargo of upwards of 1,000 slaves at Aghwey, destined, there can be no doubt, for the Cuban market.

I have, &c.

(Signed)

JOHN F. CRAMPTON.

Inclosure in No. 118.

Sir J. Crampton to Señor Collantes.

M. le Ministre,

Madrid, January 6, 1863.

A DESPATCH has been received by Her Majesty's Government from Mr. Freeman, the Governor of Lagos, informing them that a shipment of 1,007 slaves, on board a steamer under French colours, was effected at Aghwey at about 11 o'clock in the morning of the 20th of October last.

Although the cruisers were on the alert expecting this steamer, which was to have shipped the slaves at Whydah, the slave-dealers appear to have obtained such precise information of the movements of the vessels of war that they abandoned this plan, and the slaves were sent by lagoon to Aghwey to be embarked there.

Her Majesty's ship "Griffon" gave chase to a French steamer which was descried in the neighbourhood, but the suspected vessel turned out to be the French man-of-war the "Lamothe Piquet," Commander Lefevre. The "Griffon" having exhausted her fuel in the chase was obliged to proceed to Fernando Po to coal, when the expected slave steam-vessel ran in and succeeded in carrying off her cargo.

As there can be no question that these slaves are destined for the Cuban market, I am instructed by Her Majesty's Government to lose no time in apprising your Excellency of the facts above stated.

I avail, &c.

(Signed)

JOHN F. CRAMPTON.

No. 119.

Earl Russell to Sir J. Crampton.

Sir,

Foreign Office, January 13, 1863.

WITH reference to my despatch of the 31st ultimo, instructing you to acquaint the Spanish Government of the shipment from the African coast, on the 20th of October last, of a cargo of upwards of 1,000 slaves destined for the Cuban market, I now transmit to you a copy of a despatch from Mr. Young, Her Majesty's Consul at Bilbao,* reporting that the Spanish steamer "Noc Daqui" landed 1,010 slaves in Cuba, on the 28th of November last.

There can be little doubt, therefore, that it was the "Noc Daqui" that succeeded in

evading Her Majesty's cruisers on the African coast in October last, and subsequently landed her slaves in Cuba.

This is the third if not the fourth time that this vessel has been successfully engaged in introducing slaves into Cuba, and although these facts must be as notorious to the Spanish authorities as they are to the British Government, no steps would appear to have been taken to prevent the owners of the "*Noc Daqui*," who are Spanish subjects and well known, from continuing to employ their vessel in this nefarious Traffic.

I have to desire that you will communicate to the Spanish Government the information respecting this vessel which is contained in Mr. Young's despatch, and you will urge them to adopt measures for the arrest and punishment of the parties concerned in this affair.

I am, &c.
(Signed) RUSSELL.

No. 120.

Earl Russell to Sir J. Crampton.

Sir,

Foreign Office, January 21, 1863.

I HAVE received your despatch of the 6th instant, and I have to convey to you my approval of the note which you addressed to M. Calderon Collantes, informing him of the shipment of upwards of 1,000 slaves from Aghwey destined for the Cuban market.

I am, &c.
(Signed) RUSSELL.

No. 121.

Sir J. Crampton to Earl Russell.—(Received January 27.)

My Lord,

Madrid, January 3, 1863.

IN obedience to the instructions contained in your Lordship's despatch of the 13th ultimo, I have not failed to bring to the knowledge of Marshal O'Donnell the facts of the case reported to Her Majesty's Government by Mr. Acting Consul-General Crawford, of the landing in Cuba of 490 slaves with the connivance of the authorities of the district of Trinidad.

I stated that Her Majesty's Government felt pleasure in acknowledging the promptness with which the Captain-General of Cuba punished, as far as in him lay, the complicity of those authorities of whose guilt he felt persuaded, by summarily dismissing the Lieutenant-Governor of Trinidad and the Lieutenant of Police at Casilda; but I added that Her Majesty's Government could not but feel deep regret that the existing state of the internal laws and regulations in Cuba was such that, as is proved by this case, in spite of the energetic measures which the Spanish Government are adopting by sea, and in spite of the disposition evinced by the Captain-General to exert the powers vested in him to punish those concerned in this infamous Traffic, it is nevertheless carried on with an impunity which appears now solely to result from the impossibility of obtaining legal evidence of offences, the commission of which is nevertheless notorious to the highest official authority of the island.

It was obvious, I remarked, that such a state of things called for remedy; for it could not be supposed that any Government would embark in measures entailing trouble and expense, would authorise their highest officers to resort to acts of summary authority, and yet submit to have their endeavours defeated through the admitted defects of laws which it was in their own power to amend.

I availed myself of the information contained in Mr. Crawford's despatch to your Lordship of October 30th, to say that I was persuaded no one was more alive to those defects than Marshal Serrano himself; and I remarked that his Excellency in speaking to Her Majesty's Vice-Consul had frankly admitted the necessity of adopting the very measures of improvement which had been repeatedly recommended by Her Majesty's Government.

Marshal O'Donnell said to me, in reply, that he was acquainted with, and entirely approved of, the summary action of the Captain-General in the case to which I alluded. His Excellency added that I might safely assure Her Majesty's Government that the

Spanish Government were sincerely desirous to bring the Cuban Slave Trade to an end, and were determined to use every means in their power to effect this object. His Excellency then repeated to me what I have already reported to your Lordship respecting the increase in number, and the improvement in the efficiency, of the Spanish naval force to be employed upon the coasts of Cuba; and upon my pressing him in regard to measures of internal police recommended by Marshal Serrano, his Excellency observed that that officer was now upon his way to Spain; that upon his arrival he, Marshal O'Donnell, would lose no time in consulting him upon this subject, and he could assure me that the measures Marshal Serrano might recommend would be taken into the serious consideration of the Spanish Government, with a view to the immediate adoption of such of them "as could properly be accepted" or found practicable by the Council of State.

I have, &c.

(Signed) JOHN F. CRAMPTON.

No. 122.

Sir J. Crampton to Earl Russell.—(Received January 27.)

My Lord,

Madrid, January 23, 1863.

WITH reference to my despatch of the 6th instant, I have the honour to transmit to your Lordship a translation of a letter which I have received from M. Calderon Collantes, stating that he has communicated to the Minister of War and the Colonies the information which, in conformity with your Lordship's instructions, I gave to his Excellency respecting the shipment at Aghwey of a cargo of negroes on board a steamer under the French flag.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 122.

Señor Collantes to Sir J. Crampton.

(Translation.)

Sir,

Palace, January 14, 1863.

I HAVE the honour to inform you that the note dated the 5th instant, which you were good enough to address to me relative to a cargo of negroes embarked at Aghwey on board a steamer under the French flag, has been transmitted to the Department of War and the Colonies.

I avail, &c.

(Signed) S. CALDERON COLLANTES.

No. 123.

Sir J. Crampton to Earl Russell.—(Received February 3.)

My Lord,

Madrid, January 30, 1863.

WITH reference to your Lordship's despatch of the 13th instant, I have the honour to transmit the copy of a note which I have addressed to the Duke de la Torre upon the subject of the "*Noc Daqui*."

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 123.

Sir J. Crampton to the Duke de la Torre.

My Lord Duke,

Madrid, January 29, 1863.

WITH reference to the note which I addressed to Señor Calderon Collantes upon the subject of the slaver "*Noc Daqui*," dated the 11th of September last, I have now the honour to communicate to your Excellency the following additional information in regard to the proceedings of that vessel.

It has come to the knowledge of Her Majesty's Consul at Bilbao that news has reached that place of the arrival of the "*Noc Daqui*," Captain Arteli, at Havana, where she succeeded in landing 1,010 slaves.

From the date of the "*Noc Daqui's*" arrival at Havana, it would appear that her ostensible voyage from Bordeaux to Vera Cruz with stores for the French Government was a blind to cover her real intentions, as it seems almost impossible that she could have gone to that port, from thence to the African coast, and then to Havana, within the period between her leaving Bordeaux and arriving at her ultimate destination.

There can be little doubt, therefore, that it was the "*Noc Daqui*" that succeeded in evading Her Majesty's cruisers on the African coast in October last, and subsequently landed her slaves at Cuba.

It is thus evident that this is the third, if not the fourth time that this vessel has been successfully engaged in introducing slaves into Cuba; and although these facts must be as notorious to the Spanish authorities as to the British Government, it does not appear that any steps have been taken to prevent the owners of the "*Noc Daqui*," who are Spanish subjects and well known, from continuing to employ their vessel in this nefarious Traffic.

Her Majesty's Government have consequently instructed me to make known these facts to your Excellency, and to express their confident hope that measures will be taken for the arrest and punishment of the parties concerned in this affair.

I avail, &c.

(Signed) JOHN F. CRAMPTON.

No. 124.

Sir J. Crampton to Earl Russell.—(Received February 7.)

My Lord,

Madrid, January 28, 1863.

I TOOK the earliest opportunity of bringing the subject of the Cuban Slave Trade under the attention of the Duke de la Torre.

I remarked that Her Majesty's Government had learned, with satisfaction, by late reports from the Havana, that his Excellency, by certain acts of summary punishment of persons in authority who had betrayed their duty in this respect, had evinced, when Captain-General of Cuba, a sincere desire to put an end to the Slave Trade in that island; and had, moreover, in a conversation with Mr. Acting Consul-General Crawford, expressed opinions, in the soundness of which Her Majesty's Government concurred, as to the means by which only that cruel abuse could be finally extirpated.

I observed that I had lately conversed with Marshal O'Donnell upon this subject, who had promised that on his (the Duke de la Torre's) arrival in Spain, Her Catholic Majesty's Government would consult with him with a disposition to adopt any recommendation which he might make as to efficacious measures for extinguishing Slave Trade in Cuba.

I added that it was a matter of peculiar satisfaction to me to enter upon this subject with his Excellency now that he was in a position in which his views and recommendations in regard to this matter—always, no doubt, valuable in the counsels of Her Catholic Majesty's Government—would carry with them the greatest possible weight and authority.

The Duke de la Torre's reply to these observations was very satisfactory. His Excellency in no way receded from the opinions which he expressed to Mr. Crawford. He said that he had frequently recommended that the Slave Trade should be declared piracy; and that he still held that opinion. He acknowledged that considerable changes in the organization and practice of the Tribunals in Cuba were essential; and he added, with much frankness, the expression of his firm belief that, if proper measures were adopted, there would be little difficulty in putting a final stop to the Slave Trade in Cuba; admitting, in reference to a remark of mine to that effect, that the Brazilian Government had been perfectly successful in suppressing it under circumstances still more unfavourable.

I concluded our conversation by expressing my earnest hope that his Excellency's advice would be concurred in by his colleagues in the Cabinet, and by remarking that I knew of no question, the honourable close of which would tend more to smooth down on the part of the Government and people of Great Britain a certain asperity of feeling, which was kept alive by a constant recurrence to the well-grounded complaint that the

solemn obligations of a Treaty with Spain were continually violated in the sole interest of a system which was now held in universal abhorrence by civilized nations.

I have, &c.

(Signed) JOHN F. CRAMPTON.

No. 125.

Sir J. Crampton to Earl Russell.—(Received February 18.)

My Lord,

Madrid, February 14, 1863.

I HAD the honour in my despatch of the 4th instant to inclose the Report in Spanish of a debate in the Spanish Cortes on the subject of the Italian question, in the course of which Señor Valera made some observations regarding the Slave Trade, which were responded to by the Duke de la Torre.

I have now the honour to inclose a translation of those passages.

Your Lordship will perceive that, in answer to Señor Valera's complaint that the commerce of Spain in Africa suffered in consequence of the Treaty of 1834 with England, and to his remark that it could not be successfully prosecuted until this Treaty was abrogated, the Duke de la Torre observed that the true way in which any inconveniences which resulted from the Treaty in question could be practically obviated would be by the final extirpation of the Slave Trade; and his Excellency added that the Spanish Government had determined to put down this iniquity by the adoption of the most energetic measures.

I took an opportunity of expressing to the Duke de la Torre my gratification at this announcement, when his Excellency renewed to me in decided terms the expression of his opinion that this object could be effected by the measures which the Spanish Government had determined to adopt.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 125.

Extract from the Speeches of Señor Valera and the Duke de la Torre, reported in the "Diario de las Sesiones de Cortes" of February 3, 1863.

(Translation.)

Señor Valera.—In regard to the question of the coasts of Africa, I am not surprised that Spanish vessels which have been seized do not go for redress to the Court of Havana or of Sierra Leone, because the shipowners and masters, seeing that if a vessel was seized, by the time the trial finished her hull was already rotten, her cargo damaged, and everything ruined, must have withdrawn from this Traffic; and I beg General Serrano to believe me, when I state that so long as the Treaty of 1834 upon the Slave Trade is not revised, it will be impossible for Spain to carry on any sort of trade with the African coasts.

The Minister of State (the Duke de la Torre).—I shall begin by stating, that in respect to the Treaty with England upon the Slave Trade, the present Government propose to annul it in the most efficacious manner, that is to say, by putting an end to this Traffic; for which purpose they intend to employ every means suggested by the wish to attain the object aimed at. The moment the Slave Trade ceases to exist the Treaty is brought to an end. It may continue to exist *de jure*, but *de facto* it will be annulled, because there will then be nothing to treat upon; and when the Government shall have entirely put an end to the Slave Trade, they will then negotiate with England that the Treaty may cease as unnecessary. If the impatient gentlemen of the Opposition have not understood this, they must learn that the Minister (who is addressing the House) meant and explained that when the Slave Trade comes to an end, they will then take steps to put an end to the Treaty, for England will not be able to reject this natural and legitimate claim of right on the part of Spain. To this end it is necessary that the Slave Trade should be brought to a termination; that we should all unite our efforts to get rid of this iniquity, which can no longer be tolerated; and that the dealers in slaves should convince themselves that it is necessary to entertain humane and patriotic sentiments rather than to make money. I think the Government are very explicit upon this subject.

No. 126.

Earl Russell to Sir J. Crampton.

Sir,

Foreign Office, February 19, 1863.

I TRANSMIT to you, herewith, for your information, copy of a despatch from Her Majesty's Acting Consul-General at the Havana relative to the Cuban Slave Trade.*

I am, &c.

(Signed) RUSSELL.

No. 127.

Earl Russell to Sir J. Crampton.

Sir,

Foreign Office, February 21, 1863.

I TRANSMIT to you herewith a copy of a letter from Vice-Admiral Sir Alexander Milne,† which has been communicated to me by the Lords Commissioners of the Admiralty, relative to the landing of slaves on the coast of Cuba.

The disembarkations effected at the estate "Proyectos," in the district Remedios, and on the Isle of Pines, are evidently those alluded to in the despatch from the Acting British Consul-General at the Havana, of which a copy was communicated to you in my despatch of the 19th instant, but the cargoes landed near Havana and at the Jardinillos Cays would seem to be fresh infractions of the Treaty.

I am, &c.

(Signed) RUSSELL.

No. 128.

Earl Russell to Sir J. Crampton.

Sir,

Foreign Office, March 19, 1863.

WITH reference to former correspondence relative to the Spanish steamer "Noc Daqui," which has been for some time past notoriously engaged in the Cuban Slave Trade, I now transmit, for your information, copies of further despatches as marked in the margin,‡ from Mr. Crawford, the Acting British Consul-General at the Havana, reporting the circumstances under which this vessel has been seized at Isla de Mujeres, off the coast of Yucatan, and taken out of the hands of the Mexican authorities by Rear-Admiral Wilkes, of the United States' navy.

I also transmit copies of a letter and its inclosures from Vice-Admiral Sir Alexander Milne,§ commanding Her Majesty's naval forces on the North American and West Indian Stations, reporting the detention by Commander Grant, of Her Majesty's ship "Steady," of the Spanish smack "Matilde," and the subsequent release of that vessel.

The Spanish Government will probably have received information of these occurrences, but as the career of the "Noc Daqui" as a slave-vessel has doubtless now come to an end, I have to desire that you will request the Spanish Minister to inform you whether it is the intention of the Government of Her Catholic Majesty to take any steps for prosecuting the owner of the "Noc Daqui" on account of the Slave Trade proceedings of this vessel.

I am, &c.

(Signed) RUSSELL.

No. 129.

Earl Russell to Sir J. Crampton.

Sir,

Foreign Office, March 26, 1863.

I TRANSMIT to you herewith, under flying seal, a despatch which by my directions has been addressed to Her Majesty's Consul at Cadiz,|| relative to the equipment of vessels at that port for the Slave Trade.

* No. 163.

† Class A, No. 132.

‡ Nos. 166, 168, and 169.

§ Class A, No. 133.

|| No. 159.

From the information which has reached Her Majesty's Government from various sources, there can be little doubt that several vessels have within the last few months been fitted out at Cadiz for the Slave Trade, under circumstances which lead to the inference that the authorities of that port could not have been ignorant of the destination of these vessels; and I have accordingly to instruct you to call the intention of the Spanish Government to the case of the "*Island Queen*," or "*Josephine*," and you will request that inquiries may be instituted with the view to ascertain how it happened that this vessel was allowed to equip for the Slave Trade and to leave Cadiz in the open manner in which she appears to have sailed from that port.

I am, &c.
(Signed) RUSSELL.

No. 130.

Sir J. Crampton to Earl Russell.—(Received March 30.)

My Lord, *Madrid, March 25, 1863.*

WITH reference to your Lordship's despatch of the 19th instant, I have the honour to transmit the copy of a note which I have addressed to the Marquis of Miraflores, informing his Excellency of the circumstances under which a slaver called the "*Noc Daqui*" has been seized off the coast of Yucatan, and inquiring whether it is the intention of Her Catholic Majesty's Government to take any steps for prosecuting the owner of that vessel on account of her Slave Trade proceedings.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 130.

Sir J. Crampton to the Marquis of Miraflores.

My Lord Marquis, *Madrid, March 23, 1863.*

WITH reference to the note which I addressed on the 29th of January last to the Duke de la Torre, and to previous communications with the Spanish Department for Foreign Affairs, relative to the proceedings of a slave-vessel called the "*Noc Daqui*," I have now the honour to inform your Excellency that Her Majesty's Government have received from Her Majesty's Acting Consul-General at the Havana reports detailing the circumstances under which this vessel has been seized at the Isla de Mujeres, off the coast of Yucatan, and taken out of the hands of the Mexican authorities by Admiral Wilkes, of the United States' navy, on the grounds of her being engaged in the service of the so-called Confederate States of North America.

Her Majesty's Government have also received a report from Rear-Admiral Sir A. Milne, Commanding Her Majesty's naval forces on the North American and West Indian Station, respecting the detention by Commander Grant, of Her Majesty's ship "*Steady*," of the Spanish smack "*Mathilde*," and the subsequent release of that vessel.

The Spanish Government will no doubt have received information of these occurrences; but as the career of the "*Noc Daqui*" as a slave-vessel has doubtless now come to an end, I am instructed by Her Majesty's Government to request your Excellency to inform me whether it is the intention of Her Catholic Majesty's Government to take any steps for prosecuting the owners of the "*Noc Daqui*" on account of the Slave Trade proceedings of that vessel.

I have, &c.
(Signed) JOHN F. CRAMPTON.

No. 131.

Earl Russell to Sir J. Crampton.

Sir, *Foreign Office, April 6, 1863.*

WITH reference to my despatch of the 19th ultimo I transmit to you herewith a copy of a further despatch from the Acting British Consul-General at the

Havana,* relative to the landing in the Island of Cuba of a cargo of slaves from the Spanish steamer "*Noc Daqui*," and the expulsion of two notorious slave-traders, Durañona and his partner Tuero, by the new Captain-General.

I am, &c.
(Signed) RUSSELL.

No. 132.

Mr. Edwardes to Earl Russell.—(Received April 22.)

My Lord,

Madrid, April 18, 1863.

WITH reference to Sir John Crampton's despatch of the 20th ultimo, I have the honour to transmit a translation of a note I have received from the Marquis de Miraflores stating that his Excellency has submitted the case of the slaver "*Noc Daqui*" to the Colonial Department, and that he will not fail to communicate the result to me.

I have, &c.
(Signed) R. EDWARDES.

Inclosure in No. 132.

The Marquis of Miraflores to Mr. Edwardes.

(Translation.)

Sir,

Palace, April 14, 1863.

IN order to give a proper course to the notes of your Legation dated the 29th of January and 23rd of March last, relative to the vessel "*Noc Daqui*," they have been transmitted to the Director-General of the Colonies, and as soon as the information required shall have been received I will communicate it to you; and availing, &c.

(Signed) MARQUIS OF MIRAFLORES.

No. 133.

Earl Russell to Mr. Edwardes.

Sir,

Foreign Office, April 22, 1863.

WITH reference to Sir J. Crampton's despatch of the 18th of July last, and to former correspondence respecting the case of the "*Buenaventura Cubano*," which was first detained by the Liberian authorities in the Gallinas River for being engaged in the Slave Trade, and was subsequently taken out of their hands and destroyed by the Commander of Her Majesty's ship "*Torch*," I now transmit to you copies of a letter, and its inclosures, from the Admiralty,† containing further information respecting this Spanish vessel.

Señor Calderon Collantes, in his note to Sir J. Crampton of the 12th of July last, assumes that the only evidence that the "*Buenaventura Cubano*" was engaged in the Slave Trade is founded on the testimony of the Chief of one of the native tribes; but the Spanish Minister is mistaken on this point, as will be seen by the declaration, of which a copy accompanies the Admiralty letter, made on oath before the Judge of the Vice-Admiralty Court at Sierra Leone by Lieutenant Martin, the officer belonging to Her Majesty's ship "*Torch*," who boarded the Spanish schooner.

That officer deposes that on boarding the "*Buenaventura Cubano*" he found on examination:—

1st. Seventeen large water-casks in her hold capable of containing 130 gallons each, being a larger quantity than was requisite for the crew of the vessel; a quantity of wooden spoons, such as are generally found in slave-vessels, and four large boilers capable of cooking for a great number of persons.

2ndly. A sufficient quantity of plank for laying a second or slave-deck, necessary tubs usually seen in slave-vessels, and a large quantity of firewood.

3rdly. A great quantity of rice, calavances, and fish, far beyond that requisite for the use of the crew.

4thly. The hatches were very large, and there were irons for gratings on board.

* No. 170.

† Class A, No. 109.

After the most diligent search Lieutenant Martin deposes that he was unable to find any papers, flag, or documents showing the right of the vessel to claim the protection of any State or nation.

I have to instruct you to communicate a copy of Lieutenant Martin's declaration to the Spanish Government, and in doing so you will state that Her Majesty's Government cannot doubt that the depositions of this British officer will set at rest any doubts that may have been entertained by the Government of Her Catholic Majesty as to the true character of the "*Buenaventura Cnbano*," and the nature of the voyage in which she was engaged.

I am, &c.
(Signed) RUSSELL.

No. 134.

Earl Russell to Mr. Edwardes.

Sir, *Foreign Office, April 30, 1863.*
WITH reference to my despatch to Sir J. Crampton of the 20th of March of last year, inclosing a copy of a despatch from the Acting British Consul-General at the Havana relative to the landing of a cargo of upwards of 300 slaves near Trinidad, with the connivance of the Spanish authorities on that part of the coast, I transmit to you, for your information, a copy of a further despatch from Mr. Crawford,* forwarding a translation of a note which he has received from the Captain-General, reporting the result of the investigations made by the Spanish authorities in this matter.

I am, &c.
(Signed) RUSSELL.

No. 135.

Earl Russell to Mr. Edwardes.

Sir, *Foreign Office, May 5, 1863.*
I TRANSMIT to you, for your information, a copy of a despatch from Her Majesty's Consul at Cadiz,† reporting the result of inquiries which I directed him to make respecting a ship called the "*Island Queen*," which was captured by Her Majesty's ship "*Wrangler*," off the African coast, in the month of December last, equipped for the Slave Trade.

You will perceive by Mr. Brackenbury's despatch that this vessel was fitted out at Cadiz, whence she was allowed to clear for the African coast, apparently with the connivance of the Spanish authorities, for she does not appear to have been visited, or any other steps taken to ascertain that she was about to proceed on a legal voyage.

I have to instruct you to call the attention of the Spanish Government to the case of his vessel, and in doing so you will state that Her Majesty's Government do not doubt that the Government of Her Catholic Majesty will take such steps as they may deem calculated to prevent, for the future, the slave-traders from equipping their vessels at Cadiz.

It will be right that you should acquaint the Spanish Minister that Señor Botelho, who, it would appear, privately purchased the "*Island Queen*" at Cadiz, has long been known to Her Majesty's Government as a most notorious slave-trader.

I am, &c.
(Signed) RUSSELL.

No. 136.

Earl Russell to Mr. Edwardes.

Sir, *Foreign Office, May 5, 1863.*
I TRANSMIT to you, for your information, an extract from a letter from Commodore Wilmot, of Her Majesty's ship "*Rattlesnake*,"‡ reporting the capture, by Her

* No. 171.

† No. 161.

‡ Class A, No. 110.

Majesty's ship "Brisk," off Anna Bon, of a slaver, without name, colours, or papers, bound for Cuba, and having on board 368 slaves when taken, nearly 100 of whom died on the passage to Sierra Leone.

I am, &c.
(Signed) RUSSELL.

No. 137.

Mr. Edwardes to Earl Russell.—(Received May 6.)

My Lord,

Madrid, April 27, 1863.

I HAVE the honour to transmit the translation of a note from the Marquis of Miraflores, stating that he has submitted to the Minister of Marine the request of Her Britannic Majesty's Government that Her Catholic Majesty should revoke the order lately given by the superior authorities of Cuba, to the effect that all vessels of war desiring to communicate with Havana must make their formal entry into the port.

I have, &c.
(Signed) R. EDWARDES.

Inclosure in No. 137.

The Marquis of Miraflores to Sir J. Crampton.

(Translation.)

Sir,

Palace, April 4, 1863.

I HAVE the honour to inform you that I have received your note of the 23rd ultimo, in which you demand, in the name of your Government, that that of the Queen my Sovereign should revoke the order lately given by the superior authorities of the Island of Cuba, to the effect that all vessels of war desiring to communicate with Havana must make their formal entry into the port.

I this day acquaint the Minister of Marine with the contents of the said note, in order that, after having consulted the Captain-General of that island, he may adopt the determination best suited to justice and the requirements of the service, and I shall hasten to communicate it to you as soon as it comes to my knowledge.

I avail, &c.
(Signed) THE MARQUIS DE MIRAFLORES.

No. 138.

Mr. Edwardes to Earl Russell.—(Received May 14.)

My Lord,

Madrid, May 8, 1863.

WITH reference to your Lordship's despatch to Sir John Crampton of the 26th of March, I have the honour to transmit the copy of a note which I have addressed to the Marquis of Miraflores, respecting the equipment at Cadiz of vessels for the Slave Trade, and calling the attention of the Spanish Government to the case of the "Island Queen" or "Josephine."

I have, &c.
(Signed) R. EDWARDES.

Inclosure in No. 138.

Mr. Edwardes to the Marquis of Miraflores.

My Lord Marquis,

Madrid, May 2, 1863.

FROM information which has reached Her Britannic Majesty's Government from various sources, there can be little doubt that several vessels have, within the last few months, being fitted out at Cadiz for the Slave Trade, under circumstances which lead to the inference that the authorities of that port could not have been ignorant of the destination of those vessels, and I have accordingly been instructed by Earl Russell, Her

Majesty's Principal Secretary of State for Foreign Affairs, to call your Excellency's attention to the case which I am about to state of the "*Island Queen*" or "*Josephine*," and to request that inquiries may be instituted with the view to ascertain how it happened that this vessel was allowed to equip for the Slave Trade, and to leave Cadiz in the open manner in which she appears to have sailed from that port.

The above-mentioned vessel was captured on the 28th of December last by Her Majesty's ship "*Wrangler*," in latitude $14^{\circ} 37'$, longitude $9^{\circ} 19'$ east.

It has been represented to Her Majesty's Government that the "*Island Queen*" was fitted out in the United States or Havana in March 1862, with United States' colours and papers, and was commanded by R. Ducham, a noted slave captain. The vessel proceeded to Cardiff or Swansea, and there took in a cargo of coals for Cadiz. Arrived at that place she discharged all her coals except a few tons sufficient for another trip, and she remained at anchor in Cadiz Bay to fit for slaving.

Before fitting for the coast of Africa, she is said to have changed ownership, and to have taken out Spanish papers under the name of the "*Josephine*." Two brothers, said to be Portuguese, named Botelho, made no secret of being part-owners: one of them took a passage out in the slave-vessel, and the other in the Portuguese mail-steamer (said to be the "*Estafania*"), to St. Paul de Loanda, carrying out the purchase-money for the slaves.

A nephew of theirs (a Portuguese youth named Teixeira Souza) took a passage in the ship, being about to enter a merchant's house in Havana. Twenty thousand dollars were given to the American owners for the ship.

She received during her stay at Cadiz a new captain (a Portuguese named Luis Fonseca), and a Portuguese and Spanish crew.

The Spanish authorities appear to have put no difficulty in the way of her preparations for a slave voyage, and to have visited her after she had received all her slave equipments.

The shipping agent, who engaged the crew, did so undisguisedly for the Slave Trade; and the agreement was made that should the voyage be successful, each seaman should receive 400 dollars, but that if they should be captured they should receive nothing.

Rice, beans, fish, biscuit, slave medicines, wooden spoons, tin-dishes, &c., were received at Cadiz in sufficient quantity to last about 1,000 slaves from Africa to Cuba, and she actually got in 300 pipes of fresh water, plank for her slave-deck, very large quantities of fire-wood, and her slave-coppers for cooking. Before leaving she was supplied with four ensigns, Spanish, American, French, and Dutch.

On the 21st of September she left Cadiz, and without touching anywhere, arrived on the 26th November off Almeida Grande, near Esquimina Bay, where she landed her part-owner and supercargo, Botelho, and communicated with her consignee, from whom directions were received to cruize at sea until the 4th of January, and then to return to Almeida Grande, where she would receive directions about her slaves, which were to be ready by that date.

Her first mate was a Spaniard named Domingo Raceira. He had been in the Spanish Navy, and held a commission from the Queen of Spain as a "pilote."

I avail, &c.

(Signed) R. EDWARDES.

No. 139.

Mr. Edwardes to Earl Russell.—(Received May 14.)

My Lord,

Madrid, May 8, 1863.

WITH reference to your Lordship's despatch of the 22nd ultimo, I have the honour to transmit the copy of a note which I have addressed to the Marquis of Miraflores respecting the case of the "*Buenaventura Cubano*."

I have, &c.

(Signed) R. EDWARDES.

Inclosure in No. 139.

Mr. Edwardes to the Marquis of Miraflores.

My Lord Marquis,

Madrid, May 2, 1863.

WITH reference to the correspondence which has taken place between this Legation and your Excellency's Department, respecting the case of the "*Buenaventura Cubano*" which was first detained by the Liberian authorities in the Gallinas River for being engaged in the Slave Trade, and was subsequently taken out of their hands and destroyed by the Commander of Her Majesty's ship "*Torch*," I have been instructed by Earl Russell, Her Majesty's Principal Secretary of State for Foreign Affairs, to submit to your Excellency some further information respecting that Spanish vessel.

Señor Calderon Collantes in his note to Sir John Crampton of the 12th of July last, assumes that the only evidence of the "*Buenaventura Cubano*" having been engaged in the Slave Trade is founded on the testimony of the Chief of one of the native tribes. But your Excellency's predecessor is mistaken on this point, as will be seen by the declaration made on oath before the Judge of the Vice-Admiralty Court at Sierra Leone by Lieutenant Martin, the officer belonging to Her Majesty's ship "*Torch*" who boarded the Spanish schooner, a copy of which declaration his Lordship has directed me to transmit to your Excellency.

That officer deposes that upon boarding the "*Buenaventura Cubano*" he found on examination,—

1st. Seventeen large water-casks in her hold capable of containing 130 gallons each, being a larger quantity than was requisite for the crew of the vessel, a quantity of wooden spoons such as are generally found in slave-vessels, and four large boilers capable of cooking for a great number of persons.

2nd. A sufficient quantity of plank for laying a second or slave-deck, necessary tubs usually seen in slave-vessels, and a large quantity of firewood.

3rd. A great quantity of rice, calavances, and fish, far beyond that requisite for the use of the crew.

4th. The hatches were very large, and there were iron gratings on board.

After the most diligent search, Lieutenant Martin deposes that he was unable to find any papers, flag, or documents, showing the right of the vessel to claim the protection of any State or nation.

Under these circumstances Earl Russell has instructed me to state that Her Majesty's Government cannot doubt that the depositions of this British officer will set at rest any doubts that may have been entertained by the Government of Her Catholic Majesty as to the true character of the "*Buenaventura Cubano*," and the nature of the voyage in which she was engaged.

I avail, &c.

(Signed) R. EDWARDES.

No. 140.

Earl Russell to Mr. Edwardes.

Sir,

Foreign Office, June 11, 1863.

I TRANSMIT to you herewith copies of two despatches from Her Majesty's Acting Consul-General in Cuba,* relative to the landing of two cargoes of slaves in that Island.

You will see by Mr. Crawford's despatch of the 5th ultimo, that owing to the praiseworthy energy of Colonel Causillos, who was acting as Lieutenant-Governor of Trinidad during the absence of the Governor, Brigadier Caraza, the entire cargo of one of the vessels, numbering 530 slaves, was captured by the authorities; and I have to desire that you will take an opportunity of making known to the Spanish Minister that Her Majesty's Government have heard with pleasure the conduct of Colonel Causillos in this affair.

I am, &c.

(Signed) RUSSELL.

No. 141³*Mr. Edwardes to Earl Russell.—(Received July 2.)*

My Lord,

Madrid, June 26, 1863.

IN conformity with the instructions contained in your Lordship's despatch of the 11th instant, I took an opportunity of stating to the Marquis of Miraflores the satisfaction felt by Her Majesty's Government at the praiseworthy conduct of Colonel Cansillos, by whose energy and zeal, while acting as Lieutenant-Governor of Trinidad, the entire cargo of a vessel, consisting of 350 slaves, had been captured.

His Excellency remarked that, so long as General Dulce remained Captain-General of Cuba, no effort tending to the suppression of the Slave Trade would be left untried.

I have, &c.

(Signed) R. EDWARDES.

No. 142.

Earl Russell to Mr. Edwardes.

Sir,

Foreign Office, July 7, 1863.

I TRANSMIT to you herewith, for your information, copy of a despatch from Her Majesty's Acting Consul-General at the Havana relating to the Cuban Slave Trade.*

I am, &c.

(Signed) RUSSELL.

No. 143.

Mr. Edwardes to Earl Russell.—(Received July 25.)

My Lord,

San Ildefonso, July 20, 1863.

IMMEDIATELY upon my arrival here I waited upon the Marquis of Miraflores, and alluded to the substance of your Lordship's despatch of the 9th instant.

His Excellency again repeated to me that so long as General Dulce remained in Cuba your Lordship might rest assured that everything would be done to put an end to the Slave Trade. I then expressed the hope that General Dulce would, in his laudable exertions, meet with every assistance at the hands of the home authorities, and the Marquis of Miraflores said that he most undoubtedly would, for they were determined to stop the nefarious Traffic.

In conformity with your Lordship's instructions I next urged his Excellency to consent to recommend to the Cortes a new law, declaring the Slave Trade piracy, and making the possession of newly imported negroes, or the retaining them in slavery, punishable with fine and imprisonment.

The Marquis of Miraflores said that he could not at that moment give me an official answer to so important a request; that it must be submitted to the Council of Ministers: but he told me he would take the subject into his consideration, adding that I might state to your Lordship that you may rely upon his doing all he possibly could to meet your wishes.

Before I left Madrid, and previously to the receipt of your Lordship's despatch above referred to, I had a conversation with a person in a high official position upon the Slave Trade, in the course of which I said I hoped that General Dulce would meet with every support from the Home Government, to which he replied, "He certainly will do so; he is doing much, but we mean to do more if possible: but we have great prejudices to combat on the part of the Cuban proprietors, and we cannot do it all at once. I myself do not agree with them that the Slave Trade is necessary to their existence. To do away with slavery in Cuba at the present moment is an impossibility; we might as well abandon the island; but there are now 60 negresses to every 100 negroes, and that ought to suffice to put an end to the trade."

With regard to two persons expelled from Cuba, it is most true that they have been for some time past in Madrid; they are very wealthy, and are making every endeavour to obtain permission to go back to Cuba; they are known to be two persons of very bad

characters, and the gentleman to whom I have referred assured me they had been told that when General Dulce wished to have them in the island, they would be allowed to return, but not before.

I have heard the same in other quarters.

I have, &c.
(Signed) R. EDWARDES.

No. 144.

Earl Russell to Mr. Edwardes.

Sir,

Foreign Office, July 28, 1863.

I TRANSMIT herewith, for your information, copies of a correspondence which has passed between M. Comyn, the Spanish Minister at this Court, and myself, arising out of the proceedings of Commander Robeck, of Her Majesty's ship "Myrmidon," in the River Pongo in the year 1856, in destroying a factory and burning a schooner belonging to a Spanish subject named José Berriz.

I am, &c.
(Signed) RUSSELL.

Inclosure 1 in No. 144.

Señor Comyn to Earl Russell.

(Translation.)

My Lord,

Spanish Legation, London, June 22, 1863.

I HAVE to make known to your Excellency, by order of my Government, a circumstance which occurred some time ago, to which the Legation under my charge has not hitherto called your Excellency's attention, having waited for detailed and complete reports of all the incidents appertaining thereto; but which, nevertheless, is worthy of the serious consideration of Her Majesty's Government, and makes it its duty to demand, at all times, a due reparation from those who were the authors of it.

It appears, from the official as well as private documents received by my Government, that, on the 19th of May, 1856, Commander Robeck, of Her Britannic Majesty's steamer "Myrmidon," entered the Bay of Tintimar, and, without any previous dispute, explanation, pretext, or intimation whatever, gave orders to reduce to ashes the factory which a Spanish subject named Don José Berriz had established, by dint of troubles and labours, on the Rio Pongo,—gave everything that appertained to it to the natives of the country, and afterwards ordered them, with the help of the crew of the steamer "Myrmidon," to proceed to burn also the schooner "*Julia*," the property of the same Berriz; all which was strictly effected, not leaving to this unfortunate man any more property than the clothes he had on.

This act, which might well be ascribed to mental aberration, constitutes, as your Excellency will understand, an incomprehensible abuse of force, on the one hand, and a violation, on the other hand, of the Convention of 1835, which only authorizes the Commanders of war-ships to search, detain, and bring before the Mixed Tribunals the ships which may be occupied, or which are suspected of being occupied in the Slave Trade; but never, and under no point of view, to take the law into their own hands, nor to destroy houses ("fincas"), or dispose of property belonging to subjects of the other Power.

If the suspicions were certain, although the contrary is shown to be the case, that Don José Berriz was occupied in that hateful Traffic, it was the duty of the English Commander to take the ship before the Mixed Tribunal of Sierra Leone, and not to destroy her himself without bringing his case forward, and in opposition to the provisions of the Convention, thus annihilating the material proofs which might have been brought before the Court in contradiction to his assertion.

My Lord, I hope from your Excellency's justice that, on a full investigation of the facts, you will entirely disapprove the conduct of Commander Robeck as illegal and arbitrary, and that you will do what is expedient, as well for giving effect in this case to the provisions of Article IX of the Convention, as also for granting a just indemnification for the serious injuries which have been suffered.

I take, &c.
(Signed) JUAN S. COMYN.

Inclosure 2 in No. 144.

Earl Russell to Señor Comyn.

M. le Ministre,

Foreign Office, July 23, 1863.

I HAVE the honour to acknowledge the receipt of your letter of the 22nd ultimo, stating that you have been instructed to bring to the notice of Her Majesty's Government a circumstance which occurred in the River Pongo in the year 1856, when Commander Robeck, of Her Majesty's ship "Myrmidon," is represented to have entered the Bay of Tintimar, and without any previous dispute, explanation, pretext, or intimation, to have given orders for the destruction of a factory belonging to a Spanish subject named José Berriz, and then to have proceeded, with the assistance of the natives, to burn the schooner "Julia," belonging to the said Berriz.

You also express the hope that on a full investigation of the facts of this case Her Majesty's Government will disapprove the conduct of Commander Robeck, and will grant an indemnity to Señor Berriz for the losses he has sustained.

I beg leave, in reply, to state that Her Majesty's Government would on this, as on all occasions, be most willing to make reparation for any wrongs which it might be proved that the subjects of Her Catholic Majesty had suffered at the hands of the Commanders of British cruisers employed in the suppression of the Slave Trade.

It appears, however, from a letter received in this Department in the month of June 1856, reporting Commander Robeck's proceedings in the River Pongo on the occasion referred to in your letter, that that officer on his arrival at the town of Tintimar, in May 1856, found there a schooner without colours, papers, or other proofs of nationality, and learnt on inquiry that she belonged to a person engaged in the Slave Trade named José Berriz, who was stated to be waiting for an opportunity to convey his slaves to Bissam, from whence they were to be shipped to Cuba. He thereupon caused the vessel to be destroyed.

Commander Robeck having been further informed that the said Berriz possessed a large barracoon capable of holding between 500 and 600 slaves, at a place well concealed about three miles inland, proceeded at the request of the Native Chiefs, and with their assistance, to destroy the barracoon in question.

Berriz having, however, received information of Commander Robeck's intended visit, removed his casks, cooking apparatus, &c., and sent his slaves up the country six days before the intended attack.

If Señor Berriz had been engaged in honest and legitimate trade, there could have been no reason why he should not have remained at Tintimar, and have claimed for his property the protection of the Spanish flag, which would most assuredly have been respected by the English Commander.

Instead of doing so, however, he abandoned his property, leaving no trace of the nationality of his vessel, and fled with his slaves into the bush; thus, by his conduct, confirming the information furnished to Commander Robeck as to the guilty nature of the transactions in which he was engaged.

Her Majesty's Government saw no reason at the time to disapprove the proceedings of the Commander of the "Myrmidon," who in acting as he did in this affair only gave effect to the stipulations of the Treaty existing between Her Majesty's Government and the Chiefs of the Pongas country for the suppression of the Slave Trade.

Seven years have elapsed since those proceedings occurred. During that period they have not in any way been called in question by the Spanish Government, and at this distance of time Her Majesty's Government would not feel themselves justified in opening a discussion upon a case which has so long been allowed to lie dormant, and which has reference to property unprovided at the time of its destruction with any proof of Spanish nationality.

If the Spanish Government will impress upon the subjects of Her Catholic Majesty the guilt of engaging in a Traffic prohibited by Treaties as well as by religious obligations and natural law, such complaints as the present will not arise.

Her Majesty's Government have to lament the continued violation of Treaty on the part of the subjects of Spain, as shown by the eagerness of planters in Cuba to purchase men of African origin, for the purpose of holding them in slavery. This crime ought to be punished by the Spanish laws.

I have, &c.
(Signed) RUSSELL.

Earl Russell to Mr. Edwardes.

Sir,

Foreign Office, July 31, 1863.

I TRANSMIT to you herewith a copy of a letter addressed to the Lords of the Committee of Privy Council for Trade by Walter Ridley, a coloured British subject, and a certificated mate on board a British ship engaged in the Cuban trade, praying for the protection of Her Majesty's Government against the operation of the Cuban laws. By these laws, as now enforced, the master of a British merchant-ship on board whose vessel there may be a coloured British seaman is compelled, on entering a Cuban port, to give bond for the sum of 1,000 dollars that such coloured seaman shall, during the stay of the vessel in port, have no communication with the shore, and failing to give this bond the seaman is put into prison until the departure of the vessel.

You will see that Ridley states that he himself, on his last voyage as an apprentice to St. Jago de Cuba, was put into prison for safe keeping.

The effect of this Law is virtually to shut out from the Cuban trade a large class of industrious British subjects who are peculiarly fitted for the manning of vessels engaged in the trade of that island; or if, as in the case of Ridley, an apprentice is compelled to go with his ship to a Cuban port, and the master, from whatever reason, does not enter into the required bond, the seaman is sent to prison, and is thus subjected to punishment without having been guilty of any offence.

I have to instruct you to take an opportunity of calling the attention of the Marquis de Miraflores to the hardship and injustice of the Cuban laws affecting British coloured subjects, and you will point out to his Excellency that it would be consistent with the liberal and enlightened principles professed by the Spanish Government if laws so much in opposition to them were repealed.

There may have been some excuse for the enactment of stringent Regulations against the appearance of free blacks in the ports of the Spanish possessions in the West Indies at the time when the emancipation of the negroes in the British possessions caused some excitement among the coloured population in those seas, but any uneasiness arising from this event must have long since passed away.

You will also remind the Spanish Minister that, in the eyes of the British Government, there is no distinction between the white and coloured subjects of Her Majesty, and that Her Majesty's Government are bound to see that the rights secured by Treaty to the one are enjoyed equally by the other.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 145.

Walter Ridley to the Lords of the Committee of Privy Council for Trade.

My Lords,

5, Fynone Street, Swansea, June 29, 1863.

I, WALTER BRANDON RIDLEY, born in the Island of Jamaica (Kingston), and having previously passed an ordinary examination at Bristol as only mate on the 16th day of December, 1862, which certificate is No. 27,258, and have made a voyage to the Island of Barbadoes as mate of the brig "Osborn and Elizabeth," of Faversham, from which vessel I was discharged with due testimonials for the purpose of resuming a berth in the copper-ore trade.

I now humbly request the aid of my Lords' influential powers in granting this your humble servant a protection against the uncalled-for law of the Island of Cuba, more especially in the port of St. Jago de Cuba, which port is entirely shut against me, although I had made five voyages thereto during my apprenticeship, and in the last I was actually cruelly put in prison as if I had committed any crime, whereas the result was, that I was put in for safe keeping, also that I may not ertice their slaves to run away.

Now, my Lords, see you into this state of unlawful punishment I, as a British subject, went through innocently during my apprenticeship in December 1860, and now that I have thus passed your examination as an officer in the merchant service, seeking a livelihood in your British merchantmen, that berths should be denied me in consequence of such abominable laws. I was denied a berth by Harrison, master of the barque "Cobrero," of London, on the St. Jago trade, he protesting of being answerable for the sum of 1,000 dollars as a bond for all coloured men when they go there.

My Lords, whenever I go there I never interest myself with the Spaniards nor their slaves ; I always look to my own duties and no other.

Now, my Lords, with a feeling of humanity for a servant in your service, whose petition is now sent in to ask for a protection, as a faithful British subject, that I may get a living in the Cuban trade when berths are filled up in any other.

I must state that I was taken from the British barque "Countess of Bective" in the time aforesaid (December 1860) before the sails were furled, and kept in prison at the disposal of Pedro Ferer Landa, of St. Jago de Cuba ; after addressing him two letters I was let out, and went on board my ship the best way I could.

In conclusion, my Lords will pardon my troubling them with directing the said protection, if my Lords will grant it, to the shipping master at Swansea, for which your humble servant will ever be in duty bound to acknowledge your Lordships' kindness.

(Signed) WALTER BRANDON RIDLEY.

No. 146.

Mr. Edwardes to Earl Russell.—(Received August 23.)

My Lord,

San Ildefonso, August 17, 1863.

IN conformity with the instructions contained in your Lordship's despatch of the 31st of July, I availed myself of an opportunity of calling the attention of the Marquis of Miraflores to the present state of the Cuban laws affecting British coloured seamen on board British merchant-ships entering a Cuban port ; and I pointed out to his Excellency that it would be consistent with the liberal and enlightened principles professed by the Spanish Government if laws so much in opposition to them were repealed.

After listening to me, his Excellency said that the case, as I had pointed it out, appeared to him to be a hard one ; but any decision upon it did not depend upon him alone, and he requested me to draw up a Memorandum upon the subject in order that he might forward it to the Minister of the Colonies with a strong recommendation that he would take it into his favourable consideration.

I acceded to the request of the Marquis of Miraflores by embodying your Lordship's despatch in a Memorandum, a copy of which I have the honour to inclose.

I have, &c.

(Signed) R. EDWARDES.

Inclosure in No. 146.

Memorandum.

I HAVE been instructed to call the attention of the Marquis of Miraflores to the hardship and injustice of some of the Cuban laws as affecting British coloured subjects ; and at the same time to point out to his Excellency that it would be consistent with the liberal and enlightened principles professed by the Spanish Government if laws so much in opposition to them were repealed.

By these laws, as now enforced, the master of a British merchant-ship, on board of whose vessel there may be a coloured British seaman, is compelled, on entering a Cuban port, to give a bond for the sum of 1,000 dollars that such coloured seamen shall, during the stay of the vessel in port, have no communication with the shore, and, failing to give this bond, the seaman is put into prison until the departure of the vessel.

The effect of this law is virtually to shut out from the Cuban trade a large class of industrious British subjects who are peculiarly fitted for the manning of vessels engaged in the trade of that island ; or if an apprentice is compelled to go with his ship to a Cuban port, and the master, from whatever reason, does not enter into the required bond, the seaman is sent to prison, and is thus subjected to punishment without having been guilty of any offence.

There may have been some excuse for the enactment of stringent regulations against the appearance of free blacks in the ports of the Spanish possessions in the West Indies at the time when the emancipation of the negroes in the British possessions caused some excitement among the coloured population in those seas ; but any uneasiness arising from this event must have long since passed away.

I have been further instructed to remind the Marquis of Miraflores that, in the eyes of the British Government, there is no distinction between the white and coloured subjects of Her Majesty ; and that Her Majesty's Government are bound to see that the rights secured by Treaty to the one are enjoyed equally by the other.

San Ildefonso, August 17, 1863.

Mr. Edwardes to Earl Russell.—(Received September 1.)

My Lord,

San Ildefonso, August 27, 1863.

WITH reference to my despatch of April 8, 1863, I have the honour to transmit the translation of a note which I have received from the Marquis of Miraflores, regarding the case of the "*Buenaventura Cubano*," from which your Lordship will perceive that his Excellency states that after what was said by M. Calderon Collantes to Sir John Crampton in his note of the 12th of July last year, the Spanish Government does not see the necessity of discussing the matter with Her Britannic Majesty's Government.

I have, &c.

(Signed) R. EDWARDES.

Inclosure in No. 147.

The Marquis of Miraflores to Mr. Edwardes.

(Translation.)

Sir,

San Ildefonso, August 20, 1863.

I RECEIVED in due course the note which you were so good as to address to me on the 2nd of May last, inclosing the declaration made by the Lieutenant of the "*Torch*," who seized and burned the Spanish vessel "*Buenaventura Cubano*."

The Government of the Queen, as my predecessor Don Saturnino Calderon Collantes stated at length to Sir J. Crampton, under date of the 12th of July of last year, does not see the necessity of discussing this subject with the English Government.

You are aware that the circumstance to which Her Britannic Majesty's Government refers was subsequent to what took place with the Government of Monrovia, who, by capturing a Spanish vessel, which was performing her voyage with entire regularity, committed an act which they were in no manner bound to commit, inasmuch as there exists no Treaty authorizing the Republic of Liberia to exercise the right of visit in regard to Spanish vessels, even if suspicion should fall upon the latter of being employed in the Slave Trade.

This is all which it is in my power to state to you upon the subject, after what was observed to the Legation of which you are temporarily in charge, in the note which I have already mentioned.

I avail, &c.

(Signed) MARQUIS OF MIRAFLORES.

No. 148.

Earl Russell to Mr. Edwardes.

(Extract.)

Foreign Office, September 1, 1863.

IN Mr. Acting Consul-General Crawford's despatch of the 6th of July, a copy of which was transmitted to you in my despatch of the 11th ultimo, mention is made of a slave-vessel having called off Camarioca, on the Cuban coast, and transferred her cargo of negroes to coasting craft, one of which landed 60 negroes at the mouth of the River Canimar, in the Bay of Matanzas.

According to the information received by Her Majesty's Government, this system of transferring slaves from the vessels on board which they arrive from Africa to small coasting vessels is very generally practised now on the Cuban coast.

Sometimes there is a preconcerted rendezvous appointed at one of the small uninhabited cays off Cuba; at other times the slaver runs in sufficiently near the coast to communicate by boat with the shore, when arrangements are made at sea for transferring the slaves to coasting craft, by which they are distributed at different small ports along the coast, open only to Spanish coasting vessels:

The recent complaints on the part of the Cuban authorities that British cruizers are in the habit of anchoring in Spanish waters, and of entering Cuban ports that are not open to foreign vessels, may probably, therefore, be traced to the fears of interested parties that if British cruizers are allowed to continue this practice they may materially interfere with the plans now adopted for landing slaves.

There is another motive, moreover, which doubtless has hitherto had considerable

weight in influencing Cuban authorities to throw all the obstacles possible in the way of British cruisers making captures of slaves on the Cuban coast. It is this: when slaves are captured by British cruisers, the negroes are sent to Jamaica and manumitted, and their labour is of course lost to the Cuban planters; but if they are captured by Spanish authorities, the labour of the negroes is still retained in the Island, the only difference being that instead of the slaves remaining in the hands of the parties who planned the adventure, they are called emancipados, and are hired out by the Spanish authorities to favoured planters.

Her Majesty's Government trust, therefore, that the Spanish Government will allow British cruisers engaged in the suppression of the Slave Trade to anchor in Spanish waters off the Cuban coast.

Her Majesty's Government are the more inclined to hope that this permission will be granted, as the maintenance of an anti-Slave Trade policy by General Dulce is highly honourable to the character for good faith and honour of the Government of Her Catholic Majesty.

No. 149.

Earl Russell to Mr. Edwardes.

Sir, *Foreign Office, September 3, 1863.*
 WITH reference to my despatch of the 13th of December last, inclosing a copy of a despatch from the Acting British Consul-General at Havana reporting the dismissal of the Lieutenant-Governor of Trinidad and the Lieutenant of Police at Casilda, on suspicion of their having connived at a landing of 490 slaves in the district of Trinidad in that Island, I transmit to you, for your information, a copy of a further despatch from Mr. Crawford,* inclosing a translation of a note which he has received from General Dulce, stating that the Royal Audiencia, before whom the case has been brought, have decided that there does not appear to be any grounds for suspecting that the landing in question actually took place, nor evidence to convict the authorities of bribery in the matter.
 I likewise transmit, for your information, a copy of a further despatch from Mr. Crawford,† inclosing a copy of a note from General Dulce, stating that a cargo of slaves which it was expected would have been landed last July at Manzanillo has not since been heard of.

I am, &c.
 (Signed) RUSSELL.

No. 150.

Earl Russell to Sir J. Crampton.

Sir, *Foreign Office, October 27, 1863.*
 WITH reference to my despatch to Mr. Edwardes of the 11th of June last, inclosing copies of despatches from the Acting British Consul-General at Havana, relative to the landing of slaves at Trinidad in the Island of Cuba, I transmit to you, for your information, a copy of a further despatch from Mr. Crawford,‡ reporting on the general treatment to which slaves rescued by the Spanish authorities in Cuba, and designated "emancipados," are subjected; and I have to instruct you to address a note upon this subject to the Marquis de Miraflores, remonstrating against the practice pursued by the Spanish authorities in regard to the emancipation of these unfortunate negroes.

I am, &c.
 (Signed) RUSSELL.

Earl Russell to Sir J. Crampton.

Sir,

Foreign Office, October 31, 1863.

I INCLOSE, for your information, a copy of a Memorial to the Queen from the inhabitants of Jamaica on the subject of the Cuban Slave Trade which has been communicated to me by the Secretary of State for the Colonies.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 151.

Memorial.

[See Inclosure in No. 88.]

No. 152.

Earl Russell to Sir J. Crampton.

Sir,

Foreign Office, November 12, 1863.

I TRANSMIT herewith, for your information, copies of a despatch and its inclosures from the Acting British Commissary Judge at the Havana,* containing a Report upon the Cuban Slave Trade for the twelve months ending the 30th of September last.

This Report, Her Majesty's Government rejoice to find, shows that there has been a very considerable decrease in the number of slaves introduced into Cuba during the past year, and it is satisfactory to know that this is owing to the determination evinced by Captain-General Dulce to carry out the engagements of the Spanish Crown for the suppression of the Slave Trade.

Mr. Crawford reports, however, that so great are the temptations and inducements to introduce slaves into Cuba, that the Trade cannot be entirely suppressed unless very strong measures are sanctioned by the Government of Madrid, such as declaring the Slave Trade piracy, or by revoking the 9th Article of the Penal Law, which in its present state only acts as a protection to the slave-trader.

I have to instruct you to take an opportunity of making known to the Spanish Minister the tenour of Mr. Crawford's Report, and while expressing the gratification of Her Majesty's Government at the diminution of the Cuban Slave Traffic and the amelioration in the treatment of the slaves in that Island, you will at the same time urge the Government of Her Catholic Majesty to strengthen the hands of the present Captain-General, and thus to enable that officer, who does not lack the will, to put a stop at once and for ever to the importation of slaves into Cuba.

I am, &c.
(Signed) RUSSELL.

No. 153.

Sir J. Crampton to Earl Russell.—(Received March 17.)

My Lord,

Madrid, November 13, 1863.

I HAVE the honour to inclose herewith the copy of a note which, in conformity with your Lordship's instructions contained in your despatch of the 27th of October, I addressed to the Marquis of Miraflores respecting the treatment to which negroes called "emancipados" are subjected in the Island of Cuba, as well as the translation of his Excellency's reply to that communication.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure 1 in No. 153.

Sir J. Crampton to the Marquis of Miraflores.

M. le Ministre,

Madrid, November 6, 1863.

IN connection with the subject of African Slave Trade which, in despite of the efforts of the Spanish Government to prevent it, is still carried on with deplorable success in the Island of Cuba, the attention of Her Majesty's Government has lately been called to the condition of those negroes called emancipados, or those who have been taken by the Spanish authorities from captured slave-vessels, or seized within the island, into which they have been illegally imported.

It would appear from the reports which have reached Her Majesty's Government that this unfortunate class of persons, although in the eye of the Spanish law they cannot be regarded otherwise than as free men, are, under the regulations now in force and in consequence of gross evasions of the law, subjected to a treatment which practically keeps them in a condition little differing from actual slavery, and the hardships of which in many instances are as great as, if not greater than, those which slaves are obliged to endure.

Her Majesty's Government, convinced that it could never enter into the designs of the Government of Her Catholic Majesty that this unfortunate class of persons who have been rescued by the Spanish authorities themselves from slavery should be allowed to revert to a position so nearly equivalent to it, have instructed me to bring this matter under your Excellency's serious consideration, and earnestly to recommend to Her Catholic Majesty's Government the adoption of measures calculated to remedy so great an abuse.

I avail, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure 2 in No. 153.

The Marquis of Miraflores to Sir J. Crampton.

(Translation.)

Sir,

Palace, November 7, 1863.

I HAVE the honour to inform you that I have this day communicated the contents of your note of yesterday's date relative to the condition of free negroes in Cuba to the Minister of the Colonies.

I will hasten to send you his answer as soon as I receive it, and avail, &c.

(Signed) MARQUIS OF MIRAFLORES.

No. 154.

Sir J. Crampton to Earl Russell.—(Received December 22.)

My Lord,

Madrid, December 16, 1863.

IN conformity with the instructions contained in your Lordship's despatch of the 12th ultimo, I did not fail to express to the Marquis de Miraflores the gratification of Her Majesty's Government at the diminution of the Slave Trade and the amelioration in the treatment of slaves in Cuba, reported by Her Majesty's Acting Consul-General in his despatch to your Lordship of the 30th September.

I said that it was satisfactory to know that these improvements resulted from the determination of the present Captain-General; and on the Marquis de Miraflores replying that General Dulce, by the manner in which he had acted, had faithfully carried out the wishes of Her Catholic Majesty's Government, I observed that such being the case, I could feel no doubt that his Excellency would take into serious consideration two measures which it appeared to Her Majesty's Government, and indeed to all persons acquainted with the subject, were wanting to enable that officer, who does not lack the will, to put a stop at once to the importation of slaves into Cuba, and to realize a wish which his Excellency had so often concurred with me in expressing, that the serious and painful question which was continually recurring between the two Governments in regard to this matter should be for ever set at rest.

The two measures I alluded to were, I said:—

1st. An enactment declaring the Slave Trade to be piracy.

2nd. The modification of the Penal Code in force in Cuba, and particularly of the 9th and 13th Articles.

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With respect to the first of these measures, I observed that its efficacy had been shown in the case of Brazil, and no reasonable objection had ever been alleged against it by the Spanish Government.

With respect the second, the 9th and 13th Articles of the Code acted as a protection to the slave-traders, and defeated the intention of the law and the well-intended efforts of the Spanish superior authorities. The Marquis of Miraflores promised that he would take these matters into his consideration, and assured me that goodwill on his part would not be found wanting to do all that was possible to put an end to the Slave Trade.

As I had referred to particular Articles of the Penal Code, he requested me to address him a note in which they should be particularized, in order that he might be able at once to direct his attention to the points to which Her Majesty's Government alluded.

I have consequently, in the note of which I have the honour to inclose a copy, pointed out to the Marquis de Miraflores the effect of the 9th and 13th Articles of the Code, which are clearly stated in Mr. Crawford's report of September 30, 1861, inclosed in your Lordship's despatch of November 12 of that year.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 154.

Sir J. Crampton to the Marquis of Miraflores.

M. le Ministre,

Madrid, December 16, 1863.

IN conformity with the wish expressed by your Excellency in the conversation which I had the honour of holding with you on the 14th instant upon the subject of the Slave Trade in the Island of Cuba, I proceed to particularize in writing those measures to which I alluded as being, in the opinion of Her Majesty's Government, calculated to put a final stop to that deplorable Traffic; the adoption of which measures I am instructed to press upon Her Catholic Majesty's Government.

As I had the honour of stating to your Excellency, the Government of the Queen my Mistress have learned with extreme satisfaction, from the official Reports of Her Majesty's Consul at Havana, that a considerable diminution in the number of negroes illegally imported into Cuba within the year ended the 5th of last September has taken place as compared with former years, and also that a well-judged amelioration in the treatment of those legally held in slavery there has been encouraged by the authorities of Her Catholic Majesty; a measure, as Her Majesty's Consul remarks, which has happily combined a regard for humanity and a sensible increase in the productiveness of the plantations in which it has been adopted.

Her Majesty's Government have pleasure in recognizing the good will and activity displayed by the present Captain-General of Cuba, as well as the measure of his success in checking the Slave Trade. It appears, however, that such are the temptations to unprincipled individuals to introduce slaves into Cuba, and such the facilities still afforded to them by the defects in certain parts of the Spanish laws regarding the subject, that without some modifications in these, his well-meant efforts must continue to fall short of their intended object.

The measures to which Her Majesty's Government would call your Excellency's attention are—

1st. An enactment declaring Slave Trade to be piracy.

This is a measure which has been adopted by many nations, including those possessing large numbers of slaves. Its success has been signal in checking the Slave Trade in countries where it most prevailed. It has mainly contributed to free Brazil from the stigma attaching to this inhuman Traffic, and that without any injury to her productiveness or material prosperity. Her Majesty's Government are not aware of any sound argument which can be alleged against this measure.

2nd. A modification of the 9th and 13th Articles of the Spanish Penal Code in force in the Island of Cuba.

According to the former of these Articles the authorities cannot seize imported negroes when once they have been conveyed to a property or plantation, however notorious the fact of such violation of the law having been committed may be.

According to the latter, the legal punishment of slave-traders and their accomplices can only be inflicted in virtue of a sentence by the Royal Audiencia Pretorial. Now it is well known that the difficulty of producing evidence before this Court is so great that

proof to convict those accused of such charges is seldom if ever obtained, however morally convinced the ruling authorities may be of their guilt. It is true that the Captain-General has power to remove officers of whose delinquency he feels certain, and it is true that the present Captain-General Dulce, his predecessor the Duke de la Torre, and others, have exercised this power in regard to certain flagrant cases. But how much more effective, as regards public opinion, how much more satisfactory to Her Catholic Majesty's Government would it be that such punishment and degradation should result from a legal conviction rather than from the exercise of discretionary power?

I believe that in stating that the experience of the Duke de la Torre, as well as that of General Dulce, have caused them to coincide in the opinion that the adoption of both the measures to which I have above adverted would be expedient and necessary for the final extirpation of the Slave Trade in Cuba, I am not overstepping the truth. In bringing, however, these measures under your Excellency's attention, I feel confident that they will be submitted to the enlightened examination due to the intrinsic merits of the great end they are meant to forward, and also with the most friendly disposition on your Excellency's part to set at rest for ever a serious and painful matter of discussion between the Governments of Great Britain and Spain.

I avail, &c.
(Signed) JOHN F. CRAMPTON.

No. 155.

Sir J. Crampton to Earl Russell.—(Received December 27.)

My Lord,

Madrid, December 23, 1863.

WITH reference to my despatch of the 16th instant, I have the honour to inclose translation of a note which I have received from the Marquis de Miraflores, stating that my note on the subject of the Cuban Slave Trade had been sent to the Colonial Department.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 155.

The Marquis of Miraflores to Sir J. Crampton.

(Translation.)

Sir,

Palace, December 19, 1863.

I HAVE the honour to inform you that I have this day communicated to the Colonial Department your note of the 16th instant relative to the measures proposed by your Government for the diminution of the Slave Trade to the Island of Cuba.

I avail, &c.
(Signed) M. DE MIRAFLORES.

SPAIN. (Consular)—Bilbao.

No. 156.

Consul Young to Earl Russell.—(Received January 9.)

My Lord,

Bilbao, January 5, 1863.

I HAVE the honour to report to your Lordship that the Spanish steamer "Noc Daqui," Captain Arteti, arrived at Havana on the 28th of November last, where she landed 1,010 slaves.

The information, therefore, which I had the honour to convey to your Lordship in my despatches of September 12 and of October 9 last, respecting this vessel, proves to be correct.

From the date of the "*Noc Daqui's*" arrival at Havana, it would appear, as I suspected, that the ostensible voyage from Bordeaux to Vera Cruz, with stores for the French Government, was a blind to cover her real intentions, as it seems almost impossible that she could have gone to that port, from thence to the African coast, and then to Havana, within the period between her leaving Bordeaux and arriving at her ultimate destination.

I am also informed that two of Her Majesty's cruisers captured another Spanish slaver at the very time that the "*Noc Daqui*" was completing her nefarious transaction.

I have, &c.
(Signed) HORACE YOUNG.

SPAIN. (*Consular*)—*Cadiz*.

No. 157.

Consul Brackenbury to Earl Russell.—(*Received February 11.*)

My Lord,

Cadiz, February 5, 1863.

I HAVE the honour to acquaint your Lordship that the American brig "*Souther*," 197 tons, which arrived in this harbour on the 31st of December last with a cargo of staves from New Orleans, sailed the day before yesterday in ballast, nominally for St. Thomas, but in reality for the coast of Africa for slaves.

She is an old vessel, is painted black, and is commanded by H. Phinney.

The American brig "*Huntress*" is still in this bay.

I have, &c.
(Signed) J. M. BRACKENBURY.

No. 158.

Consul Brackenbury to Earl Russell.—(*Received March 5.*)

My Lord,

Cadiz, February 26, 1863.

I HAVE the honour to acquaint your Lordship that the Spanish ship "*America*," 602 tons, Manuel Bisquert, master, sailed from this port on the 24th instant, with a cargo of rice, nominally for Buenos Ayres, but in reality for the coast of Africa. She had on board boilers for a steam-mill which I understand is to be erected at Zanzibar for grinding rice.

The American brig "*Huntress*" is still in the harbour.

I have, &c.
(Signed) J. M. BRACKENBURY.

No. 159.

Mr. Murray to Consul Brackenbury.

(Extract.)

Foreign Office, March 26, 1863.

I AM directed by Earl Russell to transmit to you the accompanying copy of a letter from Commander Beamish,* of Her Majesty's ship "*Wrangler*," reporting the

* Class A, No. 105.

circumstances under which he captured a ship fully equipped for the Slave Trade off the African coast, on the 28th of December last.

This vessel was formerly the "*Island Queen*," of Washington, but you will see that she is stated to have changed ownership at Cadiz, where she was fully equipped for the Slave Trade, and furnished with Spanish papers under the name of the "*Josephine*." The crew are stated, moreover, to have been engaged undisguisedly for the Slave Trade, and the Spanish authorities appear to have visited this vessel after she had all her slave-equipments on board, and to have placed no difficulty in the way of her sailing, although there could have been little doubt as to the nature of the voyage in which she was about to be engaged.

I am further to call your attention to that part of Commander Beamish's letter, in which mention is made of five other vessels, one of them a steamer, having left Cadiz to be engaged in the Slave Trade; and I am to state that whether there is any foundation for this latter statement or not, sufficient information has reached Her Majesty's Government from other sources to prove that Cadiz has now become notoriously a port of equipment for the slave-traders.

As regards the "*Island Queen*" or "*Josephine*," I am to desire that you will forward to his Lordship, through Her Majesty's Minister at Madrid, a full and particular report of all the circumstances connected with this vessel and the parties interested in her.

No. 160.

Consul Brackenbury to Earl Russell.—(*Received April 6.*)

My Lord,

Cadiz, March 31, 1863.

I HAVE the honour to acquaint your Lordship that the American brig "*Huntress*," Captain Duncan, is now sailing out of this harbour for the coast of Africa to be employed in the Slave Trade.

I have, &c.

(Signed) J. M. BRACKENBURY.

No. 161.

Consul Brackenbury to Earl Russell.—(*Received April 28.*)

My Lord,

Cadiz, April 22, 1863.

IN acknowledging the receipt of Mr. Murray's despatch dated March 26, transmitting to me copy of a letter from Commander Beamish of Her Majesty's ship "*Wrangler*," I have the honour to acquaint your Lordship that the American ship "*Island Queen*" was built at Providence, in the State of Rhode Island, in the year 1854; was owned and commanded by James Botelho, and hailed from Washington, Delaware County.

She arrived at this port on the 22nd of February, 1861, with coals from Cardiff, and remained here till the 20th of May, when she sailed, without paying port charges, for the coast of Africa, to be employed in the Slave Trade, as reported in my despatch dated May 29, 1861. Mr. J. J. Tunstall was then United States' Consul at this port. The "*Island Queen*" returned to this harbour on the 4th of May, 1862, with a cargo of coals from Leith, having touched at Corunna on her passage, and was then commanded by R. C. Denham, who discharged the crew here, and he then embarked as first mate on board of the American barque "*Garibaldi*," bound to the United States.

The "*Island Queen*" was privately sold here to Don Antonio Augusto de Oliveira Botelho, a Portuguese, who fitted her out for the Slave Trade.

A crew consisting of Spaniards and Portuguese were shipped here, and she sailed without clearing at the Custom-house, and without any name or papers, on the 21st of September, for the coast of Africa. She was reported to your Lordship by Mr. White in his despatch dated August 22, 1862. She was not visited by any Spanish authorities previous to her sailing, nor are there, that I can ascertain, either a steamer or other vessels at this moment fitting out for the coast of Africa.

The statements made by the crew are not to be relied upon. They frequently invent very plausible stories to curry favour with the captor.

I have, &c.

(Signed) J. M. BRACKENBURY.

SPAIN. (*Consular*)—Havana.

No. 162.

Earl Russell to Acting Consul-General Crawford.

Sir,

Foreign Office, January 13, 1863.

I TRANSMIT to you, for your information, a copy of a despatch from Her Majesty's Consul at Bilbao,* stating that he has received intelligence to the effect that the Spanish steamer "*Noc Daqui*" landed a cargo of upwards of 1,000 slaves in Cuba on the 28th of November last.

I have to desire that you will inform me whether this landing was known to the Spanish authorities, and if so what steps were taken by the new Captain-General in the matter.

I am, &c.

(Signed) RUSSELL.

No. 163.

Acting Consul-General Crawford to Earl Russell.—(Received January 31.)

My Lord,

Havana, December 10, 1862.

A RUMOUR having reached me that the steamer "*Noc Daqui*" had returned from the coast of Africa, and had landed her cargo, consisting of 1,200 Lucumi negroes, at the estate Proyecto, district of Faquayabon, in the jurisdiction of San Juan de los Remedios, on the north side of Cuba, and also that another cargo of 650 negroes had been landed at the Isle of Pines, I mentioned the subject this morning to General Serrano on the occasion of taking leave, after his Excellency had delivered up the command to General Dulce.

General Serrano informed me that the rumour in both cases was unfortunately true, and that one of his last acts as Captain-General of this island had been to remove the Lieutenant-Governors of both the jurisdictions alluded to.

The "*Noc Daqui*" has made three successful trips to the coast of Africa within the last twelve months, and must have realized a very large fortune for her owners.

I have no doubt that she will continue to be employed in this detestable Traffic, as her reputed owners are incorrigible slave-traders.

I have, &c.

(Signed) JOHN V. CRAWFORD.

No. 164.

Acting Consul-General Crawford to Earl Russell.—(Received January 31, 1863.)

My Lord,

Havana, December 12, 1862.

I HAVE the honour of reporting to your Lordship that Lieutenant-General Don Domingo Dulce, Marques de Castell-Florite, arrived here on the 8th instant, and took over the command of Cuba from the late Captain-General Don Francisco Serrano, Duque de la Torre, on the 10th instant.

General Serrano embarked for Spain by the steam-transport "*San Quintin*," and takes with him the good wishes of the inhabitants of this Island, with whom he was very popular, having proved himself by far the most liberal and most courteous Captain-General they have yet had.

I have, &c.

(Signed) JOHN V. CRAWFORD.

No. 165.

Acting Consul-General Crawford to Earl Russell.—(Received January 31, 1863.)

My Lord,

Havana, December 23, 1862.

I HAVE the honour of acknowledging the receipt of Mr. Layard's despatch of the 25th ultimo, transmitting to me a copy of a Report from Mr. Gabriel, Her Majesty's Commissioner in the Mixed Court at Loanda, relative to the destruction of a schooner fitted to receive slaves, and without papers or colours, which was captured by Her Majesty's ship "Zebra" on the 27th of August last.

I have, &c.

(Signed) JOHN V. CRAWFORD.

No. 166.

Acting Consul-General Crawford to Earl Russell.—(Received March 2.)

(Extract.)

Havana, January 14, 1863.

HAVING received information that a suspicious screw-steamer was fitting out for the Slave Trade at Isla Mugerres on the coast of Yucatan, and that two small sailing-vessels had been dispatched from this port, with a crew, fittings, and money for said steamer, I requested Commander Grant, of Her Majesty's ship "Steady," to proceed to that place on the 5th instant, to verify the truth of the said information.

Commander Grant returned this morning, having succeeded in intercepting one of the vessels, on board of which was a merchant of Havana, Mr. F. P. Drain, who had a considerable sum of money with him, and who stated that he was a citizen of the Confederate States, and that having purchased a steamer at Isla Mugerres, he was proceeding to that place for the purpose of completing her equipment, and of dispatching her for Mobile, as the Confederate steamer "Virginia."

Upon Commander Grant's arrival at Isla Mugerres, he found that the United States' Admiral Wilkes had taken possession of the steamer (together with the Spanish schooner which had conveyed her new crew, her provisions, and a small quantity of cargo, consisting of clothing and shoes, and a few articles suited for the Southern States) on the plea that she was a Confederate steamer engaged in running the blockade.

Commander Grant further ascertained that the steamer was no other than the famous slaver "*Noc Daqui*;" that she had cleared at Bordeaux with a cargo of wine for Vera Cruz, but instead of going there, she had shipped a large cargo of slaves at the coast of Africa, and that having landed them on the south side of Cuba, she was proceeding to Vera Cruz, when something went wrong with her machinery, and she was obliged to put into Isla Mugerres for repairs. This was fully corroborated by the slave-deck, which was still on board, and by a large quantity of wine, which was also found in the hold.

Under these circumstances, and there being nothing to criminate Mr. Drain, Commander Grant released him, and returned to this port.

The "*Noc Daqui*" was owned by D. Julian Zulueta, and other incorrigible slave-traders of this place and of Matanzas; and from all I have been able to gather respecting Mr. Drain's statement, I believe it to be true in the main, and I have been assured that the vessel was really bound for Mobile for the purpose of obtaining new papers there; but I cannot help thinking that Mr. Drain was only acting as agent for his intimate friend M. Zulueta throughout the whole of this strange transaction.

It is supposed that Admiral Wilkes will send the "*Noc Daqui*" to some port of the United States for adjudication.

No. 167.

Acting Consul-General Crawford to Earl Russell.—(Received March 2.)

My Lord,

Havana, January 22, 1863.

I HAVE the honour of acknowledging the receipt of your Lordship's despatch dated the 27th ultimo, transmitting to me a copy of a letter from Commander Hoskins, of Her Majesty's ship "Zebra," to the Secretary of the Admiralty, reporting his having captured on the 3rd of October last, off Mangue Grande, a barque without name or papers, which at first showed Spanish colours, and was fully equipped for the Slave Trade.

I have, &c.

(Signed) JOHN V. CRAWFORD.

No. 168.

Acting Consul-General Crawford to Earl Russell.—(Received March 2.)

My Lord,

Havana, January 23, 1863.

I HAVE the honour of acknowledging the receipt of Mr. Layard's despatch of the 31st ultimo, inclosing an extract of a despatch from Her Majesty's Consul at Lagos, reporting the shipment on the morning of the 20th of October last from Aghwey, of a cargo of upwards of 1,000 slaves on board of a steamer under French colours, and instructing me to use my best endeavours to ascertain the name of that vessel, and any other particulars which may throw light on this slave-trading transaction, and the parties engaged in it.

I beg leave to refer to my despatch of the 10th ultimo and the 14th instant, reporting the movements of the screw stramer "*Noc Daqui*," which landed a large cargo of slaves in this island early last month, and I think that there cannot be the slightest doubt that this was the vessel which shipped the negroes at Aghwey under cover of the French flag.

I have to correct the report contained in my despatch of the 10th ultimo, with reference to the "*Noc Daqui*" having landed her cargo at Remedios. That adventure was by a large sailing vessel, whereas the steamer's cargo was transferred to coasters on the south side of Cuba, and was landed at Mayabeque and at the Ensenada de los Cochinos, thus making two separate infractions of the Treaty, instead of one, as I had been led to suppose.

I have, &c.

(Signed) JOHN V. CRAWFORD.

No. 169.

Acting Consul-General Crawford to Earl Russell.—(Received March 2.)

My Lord,

Havana, January 31, 1863.

I HAVE the honour of transmitting herewith to your Lordship an extract of a letter which I have this day received from Mr. Pedro Regil y Peon, Her Majesty's Vice-Consul at Merida, Yucatan, giving some further particulars relative to the seizure of the steamer "*Noc Daqui*" at Isla de Mugerres, by Admiral Wilkes of the United States' navy.

I have, &c.

(Signed) JOHN V. CRAWFORD.

Inclosure in No. 169.

Vice-Consul Regil y Peon to Acting Consul-General Crawford.

(Extract.)

Sisal, January 21, 1863.

THE Government of Yucatan having been apprised that there was a steamer at anchor at Isla Mugerres, suspected that she might be engaged in the Slave Trade, and gave orders to seize her, so as to inquire into the cause of her being there, which was very suspicious, as other illegal transactions of this nature had occurred at that place.

The steamer which carried the Spanish flag, and which was reported to be bound from Bordeaux to Vera Cruz, but had put in to repair her machinery, was accordingly taken possession of by Mexican soldiers. The Captain and his Engineer were sent to Merida, to the Admiralty Court there, and the crew remained under detention at Isla Mugerres.

In the meanwhile two Federal steamers, on board one of which was Admiral Wilkes, arrived at the island, at the same time that a Spanish schooner also made her appearance, bringing goods, and a fresh crew for the Spanish steamer, which was then to assume the Confederate flag; a Mr. Drain, a Southerner, having purchased her to run the blockade at Mobile.

Admiral Wilkes examined the steamer and the crew, and under pressure of his two steamers made an arrangement with the Mexican Commandant, by which he was to be allowed to take charge of the detained vessels, but holding them at all times subject to the action of the Mexican Courts.

The latter have claimed both the schooner and the steamer, for although it is doubtful that they were engaged in the Slave Trade, it is unquestionable that they were infringing the Revenue laws of the country, and were therefore subject to the competent tribunals.

Admiral Wilkes sent by letter to the United States' Consul, Captain Johnson's declaration stating the ship to be Confederate, together with other documents which appeared to prove it, and he gave the Judges the term of fifteen days to decide the question.

This pretension of dictating terms to the tribunals of an independent nation was repelled, and the Government insisted that the vessels should be brought to Sisal.

It was then that Admiral Wilkes sent the "Sonoma" to this port, with an officer who went on to Merida, with a communication to the Government in which he stated, "that he was convinced that the steamer under detention was Confederate, and that under no pretext whatsoever, nor under any circumstances, would he fail to capture and send her to the United States for trial."

The Government has protested against this breach of international law, and the violation of neutral waters and neutral territory; but the Americans have landed an armed force, and have seized the crew of the steamer which was under detention by the Mexican authorities, in spite of their protestations against such violence.

I have to remark that the steamer has a Spanish register, and that although she is said to have been sold, she had not been delivered up to her new owners, and therefore she preserves her Spanish nationality.

Remark.—Mr. Regil is wrong in the last sentence, for the "*Noc Daqui*" having been engaged in the Slave Trade cannot be entitled to Spanish protection.

(Signed) JOHN V. CRAWFORD.

No. 170.

Acting Consul-General Crawford to Earl Russell.—(Received March 31.)

My Lord,

Havana, February 24, 1863.

I HAVE the honour of acknowledging the receipt of your Lordship's despatch of the 13th ultimo, transmitting to me, for my information, a copy of a despatch from Her Majesty's Consul at Bilbao with reference to the landing of a cargo of upwards of 1,000 slaves in this island, on the 28th of November last, from the Spanish steamer "*Noc Daqui*," and desiring me to report to your Lordship whether this landing was known to the Spanish authorities, and, if so, what steps were taken by the new Captain-General in the matter.

In obedience to your Lordship's instructions I respectfully beg leave to refer to my despatches of the 14th and 23rd ultimo, in which the "*Noc Daqui's*" performances are fully reported.

The landing having taken place during Marshal Serrano's government, and having been very secretly managed, the authorities now in power had no jurisdiction or cognizance in the matter, and I have reason to believe that the late Captain-General did not know of the landing until some time after it was too late to prevent it or to capture the guilty parties, the negroes having been transferred from the "*Noc Daqui*" to small coasting-vessels, which took them to different places on the coast of this island; and your Lordship is aware that, once a slave is upon a plantation, he cannot be seized.

In a conversation which I had lately with General Dulce, the present Captain-General, he expressed his firm determination to put down the Slave Trade; and his recent act, in expelling from Cuba the notorious slave-traders Durañona and his partner Tuero, may be accepted as a strong proof that his Excellency is in earnest.

I would also remark, that since General Dulce's arrival I have not heard of any more infractions of the Treaty, nor of any further outfits for the Slave Trade; which goes to prove that either the slave-traders are observing greater secrecy in their operations, or that the well-known probity of the Captain-General, backed by the vigilance of the British and Spanish cruizers in these waters, is producing the desired effect of putting an end to the inhuman Traffic in African Slaves.

I have, &c.

(Signed) JOHN V. CRAWFORD.

Acting Consul-General Crawford to Earl Russell.—(Received April 28.)

My Lord,

Havana, March 30, 1863.

I HAVE the honour of transmitting to your Lordship a translation of a letter, dated the 27th instant, which I have received from Captain-General Dulce, acquainting me that the result of the steps taken to inquire into the facts of the landing of African slaves which took part in the early part of January 1862 near Trinidad de Cuba, as reported in my despatch dated the 20th of that month to your Lordship, is that no trace of any such landing has been discovered by any of the authorities, and that the Royal Audiencia has therefore ordered the further prosecution of the case to be suspended.

This result, my Lord, is not to be wondered at. That the negroes were landed, and that the resident authorities at Trinidad were bribed on the occasion, is notorious; but, as has so frequently been stated to Her Majesty's Government by the Consul-General, the archives of the Courts of this island do not show a single case of slave-trading in which legal proof has been elicited to criminate, far less to condemn, any one connected with it; and so the all-powerful influence of gold will continue to protect the slave-trader and his accomplices as long as that infamous Traffic lasts.

The same farce of a judicial investigation will be gone through on every occasion, and always with the same barren result.

I have, however, great confidence in the present Captain-General, and I expect that he will adopt very vigorous measures should any case of slave-trading come under his notice, and that he will act independently of the Royal Audiencia.

I have, &c.

(Signed) JOHN V. CRAWFORD.

Inclosure in No. 171.

The Captain-General of Cuba to Acting Consul-General Crawford.

(Translation.)

Havana, March 27, 1863.

AS a definitive answer to the official letters addressed by your Consulate to my worthy predecessor on the 9th of January and 3rd of February last year, the former denouncing a landing of Bozal negroes in the jurisdiction of Trinidad in the beginning of that month, and the latter inquiring the result of the steps taken to discover the truth of that fact, so that your Honour might report it to your Government, I have to state to you that, however reliable the information which was received at the time with regard to the said landing may have appeared to your Honour and to this Government, all the verosimilitude of this information changed its character, even to the degree of appearing without foundation in an official point of view, because in all the steps which have been zealously and actively taken, both by the Government and judicial authorities, as well as by the Treasury and Marine Departments, in order to verify the said landing, nothing has been discovered to prove that it ever took place.

This negative result naturally led to another, which was, that the Royal Audiencia, in delivering its sentence upon the voluminous proceedings instituted in consequence of your Honour's denouncement, decreed to relinquish the case, and declared the costs official, since the Fiscal stated in his Report that there was no proof of the arrival of any slave-ship at the shores of Trinidad, and, as the same officer opined, the result of the investigations relative to the landing of Bozal negroes in that jurisdiction had proved entirely ineffectual.

This appears from a certificate which the Regente of the Royal Audiencia transmitted to me on the 10th instant, communicating to me the final sentence in the case referred to, and I have thought proper to place this in your knowledge, with all the rest which I have stated, thus fulfilling what my worthy predecessor promised your Honour in his letters of the 9th January and 5th February of last year, to inform you in due time of the result of the inquiries relative to the said landing, so that your Honour might have the information which you asked from this Government in your second official communication referred to.

God preserve, &c.

(Signed) DOMINGO DULCE.

No. 172.

Acting Consul-General Crawford to Earl Russell.—(Received May 29.)

My Lord,

Havana, April 18, 1863.

I HAVE the honour of laying before your Lordship a copy of a letter, dated the 10th instant, which I had occasion to address the Captain-General relative to the landing of a cargo of about 380 slaves near Coloma, on the south side of this island, about a fortnight ago.

This cargo, according to what my informant states, consisted of at least 380 negroes of the Congo tribe, and was safely landed, on the 31st ultimo, near Coloma, from whence the slaves were taken to the sugar-estate "Guacamayas," belonging to very noted slave-traders of this place.

The brig which is supposed to have conveyed the adventure from Africa was either abandoned, and was driven by the current, or was run ashore at Punta Holandes, near Cape Antonio, where she was seen by Her Majesty's ship "Nile," and where Commander Graham, of Her Majesty's ship "Rosario," also reports having seen a wrecked vessel.

I have furnished the Captain-General with these particulars, as I understand that the local authorities at Pinar del Rio deny the said landing; but as the slaves were safely entered upon the Guacamayas estate they cannot be touched, nor is it at all likely that any proceedings instituted so long after the occurrence will lead to the detection or punishment of any of the delinquents.

I have, &c.

(Signed) JOHN V. CRAWFORD.

 Inclosure in No. 172.
*Acting Consul-General Crawford to the Captain-General of Cuba.**Havana, April 10, 1863.*

IT is my unpleasant duty to inform your Excellency that I have received a report upon which I think I can rely, that a cargo of about 380 Bozal negroes of the Congo tribe was landed near Coloma or Punta de Cartas during the early part of last week.

I have no doubt that this infraction of the law has been already made known to your Excellency by the local authorities; and I trust that some, if not all, of the adventure has been captured, and the parties interested brought to justice.

I have, &c.

(Signed) JOHN V. CRAWFORD.

 No. 173.
Acting Consul-General Crawford to Earl Russell.—(Received May 29.)

My Lord,

Havana, May 5, 1863.

I HAVE the honour of transmitting to your Lordship copies of two letters which I have addressed to the Captain-General, relative to the landing of about 600 slaves which took place on the 25th ultimo close to Trinidad, and I have very great pleasure in reporting to your Lordship, that owing entirely to the praiseworthy activity and honesty of Colonel Causillos, commanding the marine battalion at that place, and who was Acting Lieutenant-Governor during Brigadier Caraza's temporary absence, 530 of the slaves were captured and brought to Trinidad.

Mr. Vice-Consul Smith informed Brigadier Caraza on the 25th ultimo that he had reported to me the arrival of a slave-ship on that coast, and the day after it appears that the Brigadier and the Comandante de Marina sailed in a schooner in pursuit of the slaver, and they had not returned on the 30th, although it was rumoured at Trinidad that they had taken a lighter with some 47 sickly negroes, purposely left, it is said, at one of the neighbouring cays as a blind to enable the authorities to hush the matter up, and to serve as a cloak for the escape of the bulk of the adventure.

It appears that the negroes, after landing, were taken to the estate "Manaca Armenteros," belonging to a certain Don Antonio Font, and that they were actually in the purging house when an alarm was given that Colonel Causillos was on his way to search the estate. They were at once removed to a place called "Arroyo Manaca," where it was

supposed that they would be safe ; but Colonel Causillos was too smart for them; and by his zeal and determination captured the entire lot of 530 slaves.

I am not aware whether any of the slave-traders have been arrested, but if the Captain-General acts up to his professions, I hope to see such an example made at Trinidad as will deter that slave-trading community from again engaging in that iniquitous Traffic, at least during the rule of General Dulce in Cuba.

I have, &c.
(Signed) JOHN V. CRAWFORD.

Inclosure 1 in No. 173.

Acting Consul-General Crawford to the Captain-General of Cuba.

Havana, April 29, 1863.

I HASTEN to acquaint your Excellency that information has just reached me that a cargo of Bozal negroes was landed a few days ago in the jurisdiction of Trinidad, the whole affair having been managed with much secrecy.

I understand that the negroes were put on shore at a place called "The Salinas;" and that the vessel which conveyed them from Africa was hovering off the coast in that vicinity for several days previous to the disembarkation.

The matter has been kept so quiet that I fear no judicial proofs will be obtained ; and that the search made by the Lieutenant-Governor and the Comandante de Marina will have led to no particular results.

I hope, however, that the very decided desire which your Excellency has expressed to put an end to this iniquitous Traffic may dictate measures which may lead to the detection and punishment of the parties who are implicated in this daring infraction of the law.

I have, &c.
(Signed) JOHN V. CRAWFORD.

Inclosure 2 in No. 173.

Acting Consul-General Crawford to the Captain-General of Cuba.

Havana, May 2, 1863.

I BEG leave to acquaint your Excellency that there can be no doubt whatever as to the landing of negroes referred to in my communication of the 29th ultimo, as I have learnt, with great satisfaction, that, owing entirely to the energetic and most praiseworthy measures taken by Don Tomas Causillos, Acting Lieutenant-Governor of Trinidad in the absence of Brigadier Caraza, 500 and odd Bozal negroes were seized at Arroyo Manaca, and were brought to Trinidad on the evening of the 27th ultimo.

I shall be much obliged if your Excellency will favour me, for the information of my Government, with any particulars which may have reached you relative to this capture, and I trust that the parties interested in the adventure have been also arrested and brought to justice.

I have, &c.
(Signed) JOHN V. CRAWFORD.

No. 174.

Acting Consul-General Crawford to Earl Russell.—(Received June 29.)

My Lord,

Havana, May 30, 1863.

I HAVE the honour of transmitting to your Lordship copy of a letter which I addressed the Captain-General on the 21st instant, relative to the landing of a cargo of slaves which took place on the 16th near Canasí.

I have since ascertained that the vessel which brought this cargo was commanded by the famous Don Eugenio Viñas, and that the landing was effected at Boca de Rotilla, a place about thirty miles to the eastward of this port, and close to Canasí.

The adventure consisted of 583 negroes, and belonged to a certain Don Ygnacio Gonzalez, who is well known here in the annals of the Slave Trade.

The usual amount of bribery and rascality took place on this occasion, and the Captain-General has taken steps to sift the matter, and to punish the delinquents. A Commissioner has been sent to take depositions, but as it has been proved beyond contradiction that legal testimony cannot be elicited in slave-trading transactions in this island, I do not expect that his mission will lead to anything beyond a heavy expenditure of hush-money. The Captain-General is very much annoyed about this affair, and his Excellency has assured me that he will do everything consistent with law to discover the parties who are interested in it.

I have, &c.
(Signed) JOHN V. CRAWFORD.

Inclosure in No. 174.

Acting Consul-General Crawford to the Captain-General of Cuba.

Most Excellent Sir,

Havana, May 21, 1863.

IT is again my unpleasant duty to state to your Excellency that a landing of bozal negroes took place near Canasí on the evening of the 16th instant, and as I am credibly informed that the Acting Governor of Matanzas and other authorities went out in pursuit of the adventure, I have no doubt that your Excellency is already in full possession of all the particulars.

I shall be glad therefore to learn that both the Bozals and the parties who are interested in the adventure have been captured, as it would be extremely gratifying to me to be able to report to Her Britannic Majesty's Government the efficacy of the measures adopted by your Excellency to put an end to the Slave Trade.

I have, &c.
(Signed) JOHN V. CRAWFORD.

No. 175.

Acting Consul-General Crawford to Earl Russell.—(Received July 29.)

My Lord,

Havana, July 1, 1863.

WITH reference to the landing of slaves at Canasí, as reported in my despatch of 30th May last, I have the honour of transmitting to your Lordship a translation of a letter which I have received from the Captain-General on the subject, stating that steps have been taken to discover the parties who were engaged in that infraction of the Treaty for the suppression of the Slave Trade.

The Captain-General has removed the Lieutenant-Governor of Jaruco, in whose jurisdiction the landing was effected, but beyond this I fear that nothing will result from the investigation which is being carried on by the Royal Audiencia.

I have, &c.
(Signed) JOHN V. CRAWFORD.

Inclosure in No. 175.

The Captain-General of Cuba to Acting Consul-General Crawford.

(Translation.)

Havana, June 30, 1863.

IN answer to your Honour's official communication of the 21st ultimo, denouncing a landing of Bozal negroes near Canasí, in the jurisdiction of Matanzas, I have to state to you that previously this Government had commenced an inquiry upon the subject, having been confidentially informed that there were signs of a cargo having been landed in the district of Tibacoa, adjoining that of Canasí, not belonging to the jurisdiction of Matanzas, but to that of Jaruco. Said inquiry is being carried out, with a view to discover the parties who have been guilty of such an infraction of the law and existing Treaties which prohibit the Slave Trade, it remaining for this Government to inform your Honour in due time of the definite result of these judicial proceedings.

God preserve, &c.

(Signed) DOMINGO DULCE.

No. 176.

Acting Consul-General Crawford to Earl Russell.—(Received July 29.)

My Lord,

Havana, July 6, 1863.

I HAVE the honour of transmitting to your Lordship copies of a correspondence which I have had with the Captain-General relative to a cargo of negroes reported to have been landed at Camarioca, in the jurisdiction of Matanzas, on the 9th ultimo.

I have found it extremely difficult to obtain the particulars of this affair; but as the Governor of Matanzas, in his report to the Captain-General, flatly denies that any negroes have been landed in that district, I requested the Vice-Consuls at Matanzas and Cardenas to renew their inquiries on the subject; and from their reports, which I am satisfied are quite correct, it appears that a square-rigged vessel called off Camarioca, and transferred her cargo of negroes to coasting craft, one of which landed 60 negroes at the mouth of the River Canimar in the very Bay of Matanzas.

It is stated that the officer in charge of the Morillo fort at this point received a bribe of 12,000 dollars as hush-money.

The adventure belonged to parties residing at Matanzas, with one of whom the Governor of that place is on intimate terms.

That arrangements had been made with the local authorities for the landing of this adventure is proved by the fact that the negroes landed at the Canimar were provided with passes, as if legally coming from another part of the island.

I have reason to believe that the greater portion of the Camarioca adventure was disembarked at Sagua la Chica, or some place to the eastward, but as the coasting schooners can go right up to the private wharves of the sugar estates, it is always extremely difficult to ascertain where negroes which are transferred at sea are landed.

I would not have answered the Captain-General's letter of the 16th June but for the remarks of the Governors of Matanzas and Cardenas, which I did not consider it proper to leave unnoticed, especially as the Captain-General asks for data, which it is clearly the duty of his own police to furnish. The occasion was also opportune to impress upon these officials that Her Majesty's officers are not to be considered as spies or public informers.

I have, &c.

(Signed) JOHN V. CRAWFORD.

 Inclosure 1 in No. 176.
Acting Consul-General Crawford to the Captain-General of Cuba.

Most Excellent Sir,

Havana, June 13, 1863.

I AM again compelled, in the execution of my duty, to state to your Excellency that another cargo of Bozal negroes was landed on the evening of the 9th instant in the jurisdiction of Matanzas.

It has been reported to me that the landing was safely effected at Camarioca, and that the adventure was a large one. I am not aware whether any of the negroes were captured, although I understand that both the authorities of Matanzas and Cardenas went out in pursuit of the adventure, and that Her Catholic Majesty's gun-boat "Neptuno" also started for that part of the coast.

I respectfully request the favour of your Excellency to acquaint me, for the information of my Government, what steps have been taken to punish the parties who are concerned in this breach of the law and of the Treaty for the suppression of the Slave Trade.

I have, &c.

(Signed) JOHN V. CRAWFORD.

 Inclosure 2 in No. 176.
The Captain-General of Cuba to Acting Consul-General Crawford.

(Translation.)

Havana, June 16, 1863.

PREVIOUS to the receipt of your Honour's official letter of the 13th instant, denouncing the landing of Bozals at Camarioca on the night of the 9th, this Government had already taken steps to prevent or to capture any landing, as information had been received that one would be attempted in the jurisdiction of Cardenas or Matanzas.

The authorities of these jurisdictions, and also those of Marine, who sent a cruizer to watch and run along the coast, assured me, nevertheless, that no such infraction of the law had taken place, and that even there were no suspicions of any such landing being intended.

On receipt of your Honour's denouncement I again addressed the said Governors for a report upon the subject, and yesterday they answered me as follows :—

That of Matanzas says :—

“Most Excellent Sir,

“Whoever has assured your Excellency that negroes have landed on the coast of this jurisdiction on the evening of the 9th has deceived you : just that night all the coast was well watched, and I have proof that neither before nor after has any landing taken place—I can affirm it.”

That of Cardenas says :—

“Most Excellent Sir,

“I take the liberty to observe to your Excellency that the answers which I have had the honour to give you respecting the landing of Bozals are not negative but affirmative, that none have been effected in any part of this jurisdiction.

“I beg your Excellency to direct that the persons who assure the contrary, and who appear to be so well informed of the fact, should transmit all the data they possess to this Court, which takes cognizance in the matter, or to the Judge whom your Excellency of the Royal Audiencia may please to commission.

“Thus only can be made patent to your Excellency the value and foundation of the reports which they give you, for my part I can only repeat what I have had the honour to acquaint you.”

All which I say and transmit to your Honour in answer to your communication referred to, hoping that if you possess more exact data or details of the said landing you will be pleased to remit them to me, so that I may adopt other measures in accordance therewith.

God preserve, &c.

(Signed)

DOMINGO DULCE.

Inclosure 3 in No. 176.

Acting Consul-General Crawford to the Captain-General of Cuba.

Havana, July 4, 1863.

I HAVE the honour of stating to your Excellency, in answer to your communication of the 16th ultimo, that notwithstanding the assurance given by the Governor of Matanzas that nothing whatever occurred at Camarioca on the 9th ultimo, and that no Bozals have been landed in his jurisdiction either then or since, I regret that the information which I have received from reliable sources on the subject differs very widely from said Governor's report.

The Bozals may not have been landed precisely on the 9th, nor were they all disembarked at Camarioca ; but that a slave-vessel called off that place and transferred, if not all, at least a part of her cargo, I am informed was the case. If nothing whatever occurred, is it reasonable to suppose that the Governors of the two most important districts of the island would have hastened to the spot ? The cargo is reported to me to have consisted of over 500 negroes, and to have belonged to parties resident at Matanzas. A part of it was taken up the River Canimar.

I would very much regret that any one should attempt to practise deception upon your Excellency, as the Governor of Matanzas says must have been done on this occasion, by conveying false reports on so serious a subject.

With regard to the Lieutenant-Governor of Cardenas' remarks, I must clearly and distinctly state to your Excellency that in the performance of a very disagreeable duty, which is forced upon Her Majesty's officers by the continued disregard which is shown towards a solemn Treaty of nearly twenty-eight years' standing, they cannot be expected to supply the place of the police, nor are they called upon to act the part of spies or public informers. It is, therefore, only in cases which can be relied on that I address any official communication to your Excellency on the subject of Bozals. There are many and frequent reports which reach this Consulate relative to the landing of negroes from Africa ; but unless these reports are accompanied by reliable data they are never noticed to your Excellency, and I only mention this as a proof of the great caution and delicacy with which such matters are treated by me.

I have, &c.

(Signed)

JOHN V. CRAWFORD.

No. 177.

Acting Consul-General Crawford to Earl Russell.—(Received July 29.)

(Extract.)

Havana, July 7, 1863.

I HAVE the honour of reporting to your Lordship that the Captain-General has just dismissed the Political Governor of Havana, Don Pedro Navascués, for alleged abetting of the Slave Trade by the sale of passes for negroes.

This very decided step on the part of General Dulce will create great excitement among the slave-trading fraternity both here and in Spain; and every possible means will doubtless be employed to obtain the removal of the present Captain-General of Cuba.

No. 178.

Mr. Layard to Acting Consul-General Crawford.

Sir,

Foreign Office, July 30, 1863.

IN your despatch of the 5th of May last you reported the seizure by the Spanish authorities of a cargo of 530 negroes who had been landed from a slave-vessel in the neighbourhood of Trinidad; and you anticipated, from the energy with which the Captain-General of Cuba had acted in this matter, that an example would be made of the persons engaged in this slave-trading transaction.

Lord Russell would be glad to know whether any steps have been or are likely to be taken for the punishment of the parties engaged in this affair.

I am also to desire that you will inform his Lordship of the fate of these particular negroes, and generally as to the condition and treatment of slaves captured by the Spanish authorities, either on board vessels previous to landing, or subsequently, when those slaves may have been seized on the estates of the planters.

I am, &c.

(Signed) A. H. LAYARD.

No. 179.

Acting Consul-General Crawford to Earl Russell.—(Received August 28.)

My Lord,

Havana, July 16, 1863.

I HAVE the honour of laying before your Lordship translation of a letter which I have received from the Captain-General, acquainting me that the result of the inquiry made by the Royal Audiencia relative to the landing of slaves denounced as having been effected at Trinidad last October, is, that no such landing took place, and that there was no collusion on the part of the local authorities.

The details of that scandalous affair were reported to your Lordship in my despatch of the 30th of October, 1862; and so public and notorious was the fact of the landing of the negroes, and of the wholesale bribery which took place on that occasion, that General Serrano dismissed the Lieutenant-Governor of Trinidad and the Lieutenant of Police of Casilda, who were implicated in the transaction: but the finding of the Royal Audiencia is only in keeping with the result of all its investigations in matters affecting the Slave Trade, and it affords another proof of the impossibility of obtaining any legal evidence here for the conviction of parties who may be concerned in that abominable traffic.

I have, &c.

(Signed) JOHN V. CRAWFORD.

Inclosure in No. 179.

The Captain-General of Cuba to Acting Consul-General Crawford.

(Translation.)

Havana, July 14, 1863.

AS final answer to the official denouncement made by your Honour to my worthy predecessor in the month of October last year, relative to a landing of Bozal negroes in the jurisdiction of Trinidad, and the alleged bribery of the authorities in consenting to said

landing, I have to state to you that I have received the final sentence of the First Hall of the Audiencia at this place, in the criminal cause which was instituted in order to investigate the facts denounced by your Honour; and that by said sentence it not only appears that the bribery referred to, but that the realization of the said landing, is inexact, as both matters turn out to be false in the proceedings and declarations of the judicial investigation to which I allude; and in conformity with this improbability was given the sentence the essence of which I have thought proper to acquaint you with for such purpose as you think proper, and that you may inform your Government of the result.

God preserve, &c.

(Signed)

DOMINGO DULCE.

No. 180.

Acting Consul-General Crawford to Earl Russell.—(Received August 28.)

My Lord,

Havana, July 27, 1863.

I HAVE the honour of transmitting to your Lordship translation of a letter which I have received from the Captain-General, informing me that a cargo of 800 to 900 slaves, anonymously reported to the late Captain-General Serrano on the 12th of July, 1862, as being expected near Manzanillo, had not been landed, either then or since, on that coast.

This communication of the present Captain-General is the more remarkable as it is the first time that the Government of this island has ever volunteered any information on the subject of the Slave Trade, for no communication has ever been addressed by this Consulate to the Captain-General with reference to the expected landing at Manzanillo, no notice of it having reached this office.

I consider it a further proof of the sincerity of General Dulce in endeavouring to put an end to the Slave Trade; an object which he has assured me he is most desirous to attain.

I have, &c.

(Signed)

JOHN V. CRAWFORD.

Inclosure in No. 180.

The Captain-General of Cuba to Acting Consul-General Crawford.

(Translation.)

Havana, July 22, 1863.

UNDER date of the 12th July last year my predecessor received an anonymous letter stating that your Consulate was aware that a landing of 800 to 900 negroes was about to be effected at Manzanillo. In consequence thereof this Government took the necessary steps, giving the most stringent orders to the Governor of the Eastern Department, and to the Lieutenant-Governors of Porto Principe, Manzanillo, Bayamo, and Halguin, to prevent the said landing; and, whether the anonymous information relative to the intended disembarkation was false, or whether, in consequence of the great vigilance and the preventive measures which were adopted the slave-traders desisted from carrying out their intentions, it is certain that no such landing has taken place in any district in the Eastern Department, as no tidings thereof have reached this Government, although more than a year has transpired since the denouncement. All which I have thought proper to communicate to you for your information and consequent effects.

God preserve, &c.

DOMINGO DULCE.

No. 181.

Mr. Layard to Consul-General Crawford.

(Extract.)

Foreign Office, August 31, 1863.

WITH reference to your despatches of the 4th of December, 1861, and 15th of February, 1862, relative to the case of the "*Laura*," a British vessel which cleared from Havana for St. Thomas under a bond exacted by you from her owners that she should not be employed in the Slave Trade, I am directed by Earl Russell to inform you that the "*Laura*," which was subsequently seized by Her Majesty's ship "*Cadmus*" on suspicion of being equipped for the Slave Trade, has been condemned by the Vice-Admiralty Court at Antigua.

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It would however appear that the decision of that Court has been appealed against, but, in the event of its being confirmed by the Judicial Committee of the Privy Council, I am to desire that you will take the necessary steps for enforcing payment of the bond.

No. 182.

Consul-General Crawford to Earl Russell.—(Received September 4.)

(Extract.)

London, September 3, 1863.

I HAVE the honour of acknowledging the receipt of Mr. Layard's despatch of the 31st ultimo, informing me that the brig "*Laura*," which was seized by Her Majesty's ship "*Cadmus*," in consequence of the information which I communicated respecting her, has been condemned at Antigua. That the sentence of the Admiralty Court at that place has been appealed against, but, in the event of its being confirmed by the Judicial Committee of the Privy Council, I shall, in obedience to your Lordship's instruction, conveyed in the despatch now before me, take the necessary steps for enforcing payment of the bond for 25,000 dollars; which I exacted previous to the "*Laura's*" departure from Havana, that she should not be employed in the Slave Trade.

No. 183.

Acting Consul-General Crawford to Earl Russell.—(Received September 29.)

My Lord,

Havana, August 10, 1863.

WITH reference to my despatch of the 18th April last, reporting the landing of a cargo of slaves near Coloma, on the south-west coast of this island, I have the honour of transmitting to your Lordship a copy and translation of a letter which I have received from the Captain-General, denying that any such landing took place.

As the system of bringing over slaves in small lots from the Isle of Pines to the mainland of Cuba, can be, and is carried on very secretly, it may be possible that the landing alluded to may have escaped the vigilance of the late Lieutenant-Governor of Pinar del Rio, Colonel Mena, who is known to be a very honourable and upright officer; but as my information was derived from a party who saw the negroes on their way to the Guacamaya sugar plantation, I have every reason to believe that the statement I made to the Captain-General is correct.

I have, &c:
(Signed) JOHN V. CRAWFORD.

Inclosure in No. 183.

The Captain-General of Cuba to Acting Consul-General Crawford.

(Translation.)

Havana, August 6, 1863.

IN view of your Honour's official communication of the 10th of April last, denouncing the landing of 380 Bozal negroes near Coloma or Punta de Cartas, in the jurisdiction of Pinar del Rio, information on the subject was asked from the Lieutenant-Governors of the Isle of Pines, Cienfuegos, and Sagua, and all have answered that no such infraction of the law has occurred within their jurisdictions, the executive and judicial proceedings which were instituted in that of Pinar del Rio also proving very circumstantially the same result.

Which I say to your Honour in answer to your above-mentioned communication.

God preserve, &c.

(Signed) DOMINGO DULCE.

No. 184.

Acting Consul-General Crawford to Earl Russell.—(Received September 29.)

My Lord,

Havana, August 20, 1863.

THE inclosed translation of a letter, dated the 17th instant, which I have received from Captain General Dulce will afford your Lordship another proof of the utter impossibility of obtaining evidence against the slave-traders in Cuba.

His Excellency, fulfilling the late Captain-General's promise to acquaint me with the result of the judicial proceedings relative to the slave-landing which took place at the Ensenada de Cochinos in the month of March 1862, informs me that the Royal Audiencia has not been able to procure legal evidence of any such landing, and has accordingly pronounced sentence, absolving all the parties under prosecution, cancelling the bail put in for them, restoring the property which was embargoed, and declaring the costs for account of the Crown.

It appears to me, that any comment upon this judicial farce is quite superfluous, especially when the fact of the landing was so notorious, and General Serrano was so thoroughly satisfied on the subject that he dismissed several of the local authorities without waiting for further proofs.

I have, &c.

(Signed) JOHN V. CRAWFORD.

Inclosure in No. 184.

The Captain-General of Cuba to Acting Consul-General Crawford.

(Translation.)

Havana, August 17, 1863.

NOTWITHSTANDING what my worthy predecessor stated to your Honour on the 8th April last year, upon the probability of a landing of negroes having taken place on the Ensenada de Cochinos, in the jurisdiction of Cienfuegos, in answer to your Honour's denouncement of the 3rd of that month and year, I have to inform you that the third Hall of Justice of the Royal Audiencia at this place has pronounced sentence on the judicial proceedings instituted in that matter; and in said sentence the proceedings have been stayed with the usual reserve, placing at liberty the parties who were arrested, ordering the bail to be cancelled, the property embargoed to be returned, and declaring the costs official.

As your Honour will infer from the tenor of this Decree, the Court has not been able to prove in a legal and evident form that the said landing took place, and for this reason it has delivered its final sentence in the terms referred to.

I have also to state to your Honour that this Government has not been able to discover more positive data in confirmation of the fact since my worthy predecessor addressed you on the subject as referred to at the beginning of this despatch, although the most active steps have been taken by several of the Executive authorities, in order to find out the truth respecting the introduction of the Bozals.

All which I state to your Honour as definite answer to your letter of the 2nd April of last year, and fulfilling the promise of my worthy predecessor to acquaint you with the result of any subsequent inquiries on the subject.

God preserve, &c.

(Signed) DOMINGO DULCE.

No. 185.

Acting Consul-General Crawford to Earl Russell.—(Received September 29.)

My Lord,

Havana, August 21, 1863.

I HAVE the honour of transmitting herewith to your Lordship a translation of a letter dated the 17th instant which I have received from Captain-General Dulce, stating that the Lieutenant-Governors of Remedios and Puerto Principe had reported that the landing which I denounced as having been effected at Cayo Coco in the month of July last year had not taken place, their report being borne out by the result of the judicial investigation which was ordered to be made at the time.

The information which I had the honour of communicating to your Lordship in my despatch of August 4, 1862, is so very circumstantial and so trustworthy that there can be no doubt on the subject, and it is quite painful to see that there is no improvement in the moral condition of either the authorities or the people of this island.

The slave-trader can effect anything by the means of gold, and it is quite hopeless to expect any beneficial result from judicial investigations emanating from the Royal Audiencia, or that the truth regarding the importation of African slaves will ever be elicited from the needy officials of this island.

I have, &c.

(Signed) JOHN V. CRAWFORD.

Inclosure in No. 185.

The Captain-General of Cuba to Acting Consul-General Crawford.

(Translation.)

Havana, August 17, 1863.

IN consequence of your Honour's official denouncement of 14th July last year, and of the confidential note of 14th October last addressed to my worthy predecessor, relative to the landing of 700 Bozals at Cayo Coco, in the jurisdiction of Puerto Principe, afterwards conveyed to Moron, in the jurisdiction of Remedios, the Lieutenant-Governors of those jurisdictions were ordered to pursue the said adventure, and these officers answered that no such landing had taken place in their respective districts, proving it by the judicial inquiries which were made to discover its accuracy or inaccuracy, and which were duly reported to head-quarters.

Which I state to your Honour in answer to your said denouncement and letter, and as final result of the inquiries instituted on the subject by this Government.

God preserve, &c.

(Signed)

DOMINGO DULCE.

No. 186.

Acting Consul-General Crawford to Earl Russell.—(Received September 29.)

(Extract.)

Havana, August 28, 1863.

I HAVE the honour of acknowledging Mr. Layard's despatch of the 30th ultimo, inquiring whether any steps have been or are likely to be taken for the punishment of the parties engaged in the landing of slaves which took place at Trinidad on the 25th April last, as reported in my despatch of 5th May, and instructing me to inform your Lordship of the fate of these particular negroes, and generally as to the treatment of the slaves captured by the Spanish authorities either on board vessels previous to landing, or subsequently, when those slaves may have been seized on the estates of the planters.

From a conversation which I have had with the Captain-General on the subject, I regret to report to your Lordship that beyond the removal of the Lieutenant-Governor of Trinidad, none of the other parties who are suspected to have been implicated in the slave landing of April last at that place have been punished, as unfortunately no legal proofs could be obtained in the matter. The owner of the estate Manaca Armenteros, who claims the negroes on the strength of the stipulations of the 9th Article of the Penal Law, has been subjected to the payment of large bribes and legal costs,—a means which the Captain-General considers very efficacious in deterring the planters from purchasing newly-landed negroes, and of thereby checking the Slave Trade.

The Royal Audiencia has declared part of these negroes "emancipados," but I understand that a portion of those who are alleged to have been seized on the estate Manaca, are still subject to the decision of that Court.

The administration of justice in Cuba is at a very low ebb. The most corrupt practices are tolerated to a degree which baffles all comprehension, and what is yet more extraordinary is, that the public look upon these malpractices as the natural and legitimate emoluments of office.

Where testimony can be obtained or suppressed at the will of the highest bidder, it is not surprising that all evidence affecting slave-trading transactions is hushed up.

Nor does this iniquitous system stop with the Judiciary.

Until the Penal Law is altered, and as long as the Royal Audiencia is to take cognizance of cases of slave-trading, so long will the Cuban slave-trader carry on his shameful traffic unpunished.

As to the treatment of the slaves captured by the Spanish authorities, your Lordship must be aware that they are submitted in the first place to the jurisdiction of the Royal Audiencia, which declares them "emancipados" if the capture is considered legal.

They are then distributed as apprentices, by order of the Captain-General, among his protégés, or amongst the numerous applicants for them, or they are employed in the public works.

The term of assignment is for five years, during which the master pays the Government at the rate of 72 dollars per annum for men, 48 dollars for women, 60 dollars for boys, and 36 dollars for girls, in addition to a bonus of 25 dollars, which is intended to defray the bounty and expenses of capture.

After the first five years the Government receives 32 dollars per annum for men or

boys, and 24 dollars for women or girls, every "emancipado" being entitled to the sum of $4\frac{1}{4}$ dollars per month, which is to be paid him by his employer.

Your Lordship will observe, by the inclosed translation of the conditions of assignment, that the master is to instruct the "emancipado" in the Roman Catholic faith, that he is to give him a sufficiency of wholesome food, and furnish him with medical assistance and with two suits of clothes yearly.

In this, as in all other respects, the "emancipado" is to be treated very much like a slave.

It follows, therefore, that the "emancipado" is the most wretched of human beings, for he is neither more nor less than a Government slave, and he is condemned to drag out a life of hopeless misery, being constantly re-assigned from one master to another at the caprice of the authorities, and being subjected to all the hardest labour and discipline of the slave without any adequate remuneration, and without even the privilege which is accorded to the slave of purchasing his own freedom.

The treatment which these poor creatures receive at the hands of their masters is, generally speaking, of the very worst kind. They are cheated out of their wages, and are subjected to every species of punishment. They are sold, or rather they are transferred from one master to another for a consideration generally amounting to from 170 dollars to 204 dollars, and terrible abuses are committed with the friendless "emancipado," such as reporting him dead, whereas he has been made to fill the place of a defunct slave. The Government regulations, which are framed with a view to prevent such imposture, are not complied with, a *douceur* to the neighbouring police-officer being all that is required to cancel the requirements of the law!

The money which is exacted by the Government from the masters or holders of "emancipados" is intended to form a fund to be called the "Fondo de Emancipados," for the purpose of providing for aged and infirm negroes belonging to that class; but like all monetary deposits of the kind which are in the hands of the Government, it is very much to be feared that this fund is applied to very different purposes from what it was originally intended.

I have recommended this most unfortunate class of the coloured population to the Captain-General's earnest consideration, and his Excellency has assured me that he will do everything in his power to put an end to the abuses which are perpetrated with regard to them, and that he will grant free papers to all those emancipados who may apply for their liberty after serving their apprenticeship.

Inclosure in No. 186.

Obligations of the Masters of Emancipados.

(Translation.)

1. THE master shall take care to have the emancipado instructed in the tenets of our holy religion, so that, if he has not already done so, he may receive the sacrament of baptism, remembering to give him the same name under which he was assigned, and to enter in the parish register his number and where he came from; presenting a copy of the entry to the Bureau of Emancipados in the Government Secretary's office.

In case of the serious illness of the emancipado, the master will take care to administer to him, at least, the water of succour.

2. The master must lodge and maintain the emancipado with sufficient and wholesome food, giving him two complete suits of clothes every year.

3. In case of an emancipada giving birth to a child, the master will transmit to the Government Secretary's office a copy of the baptismal entry, in which the name, number, and precedence of the mother must be expressed. Should the child die previous to baptism, the water of succour shall be administered to it, the death to be reported to Government; and if the death occurs after baptism, it must be reported to the District Captain of Police, so that he may make the necessary inquiry on the subject.

When the master takes out the protection paper of the mother, he must report at the office where it is granted whether the emancipada has had any child during the six months, so that it may be included; and if she has any child which has attained or is about to attain the age of eight years, he must take out a separate *cedula*, and must apply to the Government for the assignment of said child, even although the mother's assignment may not have elapsed.

4. If any emancipado, assigned in this manner, is missing from his domicile without permission, written notice thereof must be given to the police of the district, so that the flight being cleared up he may be sought for and captured.

If the emancipado is paid for, the master must state whether he is willing to continue his payments to Government so as to retain his right to the negro after he is caught, and should he not wish to do so, he must return the documents of assignment and the cedula.

Should the runaway emancipado be an apprentice, he shall be sent, after he is caught, to work for a month on the public works, at the place of his domicile. Upon every repetition of this offence he shall be punished in the same manner for two months.

The same punishment, besides the loss of his wages during all the period of his flight and punishment, shall be applied to the journeyman negro who runs away.

A certificate of the time during which a runaway negro has been under punishment shall be furnished the master, so that a proportionate sum may be deducted from his payment to Government.

If the emancipado gives himself up spontaneously to his master after his flight, and his master has not already given him up, his master must forthwith take him back; but if otherwise, then he must be delivered up to the Government.

5. The master must report to the district police officer the illness of any emancipado, and in case of death he must immediately report it to that officer, so that the body may be identified and a proper inquiry made into the circumstances.

The master must pay the expenses of illness and of burial, and the doctor's certificate as well as the burial certificate must be attached to the proceedings.

6. The master who retains an emancipado in his possession over the time of assignment will incur for this fact alone a penalty of from 100 to 500 dollars, without prejudice to further punishment which the law may inflict in cases of forcible detention of their persons.

7. The disciplinary jurisdiction which the masters may exercise upon the emancipados permits them to inflict, when necessary, the following penalties:—

(1.) Stocks; irons or arrest from one to ten days.

(2.) Loss of wages during the same period. The first may be imposed without the second, but the second never without the first.

Shall be punished:

(1.) Act of insubordination to the masters or heads of the establishments, or to any delegate of the master.

(2.) Refusal to work, or want of punctuality in working out their tasks.

(3.) Insults not amounting to bodily injury.

(4.) Running away.

(5.) Drunkenness.

(6.) Infringement of the master's rules of discipline.

(7.) Any offence against good breeding amounting to a crime.

(8.) Any other deed done with malice.

Any other offences which the emancipados commit, and which, without being crimes, the master does not consider sufficiently punished with the appliance of his attributions, must be notified to the Government for its decision.

The payment of the sums due to the Government for each emancipado must be half-yearly, in advance.

If the first week of each six months passes over without payment being made the party shall be notified, and if he does not pay up during the following week he will incur a fine equal to the sum due in the fortnight which has elapsed.

If he allows a month to pass without payment he shall be made to pay the salary of the emancipado for the said month, besides a fine of as much more, and the emancipado shall be taken away from him.

SPAIN. (*Consular*)—*St. Jago de Cuba.*

No. 187.

Mr. Layard to Acting Consul Beattie.

Sir,

Foreign Office, January 16, 1863.

WITH reference to your despatch of the 31st of October last, inclosing a copy of a letter which you addressed to the senior officer of Her Majesty's naval forces at Port Royal reporting the suspicions which you entertained with respect to the proceedings of the barque "*Jane*," I am directed by Earl Russell to acquaint you that this vessel has since been captured under Netherlands colours off the Congo River by Her Majesty's ship "*Espoir*," and was condemned on the 10th ultimo in the British and Netherlands Mixed Commission Court at Sierra Leone, on a charge of being equipped for the Slave Trade.

I am, &c.

(Signed) A. H. LAYARD.

No. 188.

Acting Consul Beattie to Earl Russell.—(Received April 28.)

My Lord,

St. Jago de Cuba, March 31, 1863.

I HAVE had the satisfaction to receive Mr. Under-Secretary Layard's despatch of 16th January last, acquainting me, by direction of your Lordship with the capture of the barque "*Jane*," under Netherlands colours, off the Congo River by Her Majesty's ship "*Espoir*," and her subsequent condemnation at Sierra Leone on a charge of being equipped for the Slave Trade.

In connection with this subject, I have the honour to inform your Lordship that his Excellency Mariscal de Campo, Don José de la Gándara, appointed Governor and Commander-in-chief of this city and province by the Madrid Government, and lately arrived here (after taking orders from his Excellency Captain-General Dulce in Havana), has, on entering on his command, expressed his determination to second the energetic efforts of that officer to put an end to the African Slave Trade.

I have, &c.

(Signed) RICH. HUDSON BEATTIE.

TURKEY.

No. 189.

Mr. Erskine to Earl Russell.—(Received December 19.)

My Lord,

Constantinople, December 5, 1863.

I HAVE communicated to Aali Pasha a French translation of Mr. Consul-General Herman's despatch to Sir Henry Bulwer of the 12th ultimo, relative to the forcible shipment of a number of negroes on board the Turkish frigate "Taïff" at Tripoli.

The explanation given of this occurrence by his Highness is, that the Capitan Pasha directed the Governor-General of Tripoli to procure some black recruits for the corps of Marines; that Mahmoud Pasha accordingly collected all the unemployed negroes he could lay his hands on, and sent them up here in the "Taïff" as instructed; but his Highness denies that they are slaves, or that they will be compelled to serve after the usual term. He, moreover, declares most positively that not a single woman was taken on board.

I do not perceive that the above statement differs very materially, except as to the women, from that of Colonel Herman; but it may be a question in a country where slavery is still tolerated whether these negroes will not be benefited, rather than the reverse, by their incorporation into the army.

I have, &c.

(Signed) E. M. ERSKINE.

TURKEY. (Consular)—Alexandria.

No. 190.

Mr. Colquhoun to Earl Russell.—(Received July 16.)

My Lord,

Alexandria, July 1, 1863.

HAVING received information on which I could rely that a large caravan of merchants was likely to enter Egypt from the Wadai, and that this expedition had, besides its proper and legitimate traffic of ivory, gum, &c., a considerable number of slaves, I, on the 22nd May, informed the Egyptian Government of its approach, requiring it to take the proper steps for setting at liberty the said slaves, and acting up to the orders of the Porte on the subject. I have a reply from the Secretary of State, promising that measures shall be taken, and I know that orders were sent to the police to be on the alert.

I received, a few days ago, a despatch from Major Herman, dated Tripoli, 19th June (copy annexed), perhaps alluding to the very same expedition.

I accordingly asked the Viceroy, yesterday, if he had any intelligence of the fact. He replied he had, and that he had seized 120 slaves; that the adult males had been drafted with their own consent into the Nubian regiments; the lads were to be taught music for the military bands; the young women were taken as house servants on wages, in such houses as wished for them; and the young girls were sent to receive some education in the Government schools at Cairo.

His Highness told me he was resolved to check the Traffic as far as was in his power. I told him that, fully aware of his sentiments, I was about to submit to him a few remarks on what was passing above Khartoum, of which I had received details that made humanity shudder. His Highness said my representations should meet with every attention, and he would feel obliged by my bringing the subject before him.

On this subject I shall further communicate to your Lordship, but I am waiting,

before doing so or taking the promised steps with the Government, the arrival here of a Dr. Murie, who is now on his way from Khartoum, having left Mr. Petherick up at Gondokoro the end of March last.

I have, &c.
(Signed) ROBERT G. COLQUHOUN.

Inclosure 1 in No. 190.

Mr. Colquhoun to Zulficar Pasha.

M. le Ministre,

Alexandrie, le 22 Mai, 1863.

J'AI l'honneur de porter à la connaissance de votre Excellence, pour être communiqué à Son Altesse le Viceroy, que, par une dépêche que je viens de recevoir du Consulat de Sa Majesté à Bengazi, je suis informé qu'une caravane partie de Wadai venait vers la fin Avril passé, de toucher le territoire Egyptien à Sewah. La dite caravane est composée de marchands d'esclaves ayant un nombre considérable de nègres destinés à être vendus en Egypte.

Cette caravane doit arriver incessamment au Caire ou à Alexandrie.

Le Gouvernement de Son Altesse, connaissant les dispositions de celui de la Sublime Porte et de ceux des Puissances Européennes à l'égard de la Traite des Hommes, ne manquera pas, je suis persuadé, de prendre les mesures les plus promptes et les plus efficaces pour empêcher un Trafic flétri par l'humanité.

Veuillez, &c.
(Signé) ROBERT G. COLQUHOUN.

P.S.—Je prie votre Excellence de me communiquer l'arrivée de cette caravane soit au Caire soit à Alexandrie, afin que je puisse procurer des informations relativement à un voyageur Anglais.

R. G. C.

Inclosure 2 in No. 190.

Consul-General Herman to Mr. Colquhoun.

Sir,

Tripoli, June 19, 1863.

IT has been reported to me by the ex-Agent of the Sultan of Waday at Bengazi that a caravan from Waday had reached Cairo.

It was accompanied by ten persons of rank, and was composed of 150 camel-loads of ivory and 150 negro slaves, the latter of whom were to be sold at Cairo and the proceeds remitted to Mecca.

Should the last part of the report prove correct, it will be a most glaring infraction of the Imperial Firman prohibiting the importation and sale of slaves in the Ottoman dominions.

I have, &c.
(Signed) G. F. HERMAN.

No. 191.

Earl Russell to Mr. Colquhoun.

Sir,

Foreign Office, July 31, 1863.

I HAVE received your despatch of the 1st instant, together with its inclosures, and I have to acquaint you that I approve the communication addressed by you to the Egyptian Government on learning that a caravan with a number of slaves was about to enter Egypt from the Wadai.

I have at the same time to desire that you will omit no opportunity of pressing the Egyptian Government to take effective measures for putting a stop to the slave-hunts on the Upper Nile, which, if the accounts received by Her Majesty's Government are to be believed, are planned and carried out by Europeans, whose proceedings render them a disgrace to humanity.

I am, &c.
(Signed) RUSSELL.

Mr. Colquhoun to Earl Russell.—(Received August 28.)

(Extract.)

Alexandria, August 17, 1863.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of July 31, approving of what I had done respecting a caravan with a number of slaves recently arrived at Cairo.

The reports I heard from Captains Speke and Grant of the extent to which the Slave Trade was followed on the White Nile was enough to determine me to bring the matter before the Viceroy. These reports were confirmed and strengthened by my letters from Mr. S. W. Baker, now exploring the Sobat River; but as Mr. Baker wrote me that a Dr. Murie, who had been engaged by Mr. Petherick to accompany him, had left that gentleman at Gondokoro, and might shortly be expected here on his way home, I thought it best to defer taking any steps till I should have seen and closely questioned Dr. Murie, who arrived here some days ago.

The information I have culled from the above intelligent person, proves, indeed, how utterly lost to all sense of humanity every individual connected with trade (even though that trade may on its face wear an appearance of legitimacy), becomes, from contact with the debased class of persons calling themselves merchants in those parts.

It is unfortunately the case that the Egyptian Government, while professing openly to discourage the Slave Trade, has nevertheless at certain places large barracoons or depôts, where the poor natives of the interior are collected for Government purposes; the males for filling the gaps in the Nubian regiments, the women and children for the purpose of being brought down as house servants in the harems; these are, by Government authorities, smuggled down the river, and smuggled into Cairo. The state of the wretched creatures in these barracoons is fearful. If the disease (the small-pox) which is so prevalent there gets into them, the creatures die like flies, and Dr. Murie has seen their bodies brought down by tens and cast into the river; but sad as this picture is, it is bright compared to what they undergo before coming into the Government possession.

The Arabs and negroes in the countries bordering the Bahr-el-Gazal, Shillooks, &c., are engaged by Europeans, who conduct in person the expeditions, in making razzias on the neighbouring tribes; the men on these expeditions are all armed with fire-arms, the tribes having no defence but spears and clubs. The plunder sought consists of ivory tusks, cattle, and the vanquished individuals of the tribe; such of them as have escaped the murderous night onslaught are bound together by cords and marched off to the depôts, either of Government or of individuals.

The natives have of late learnt that the copper ornaments and glass beads, hitherto so prized, are of no value whatever; and the trader,—European or other,—requiring their services as boatmen, porters, &c., can now no longer satisfy them by the worthless stores they had brought from Europe: now the natives require payment in cattle, or kind, and the European, pressed by necessity, and to enable him to carry out his trade, consents to sanction,—often to lead,—the razzias for the purpose of procuring cattle, now almost the sole circulating medium. From the cattle-stealer to the slave-dealer the step is but a short one; and hence the infamous character all Europeans up there bear.

Mr. Baker engaged, under contract and firman, a certain number of hands at Khartoum, forty-five in number; from one cause or another the greater number of these mutinied,—some because he would on no account tolerate razzias, some because he proposed to join his party to that of Mr. Petherick, in the view of approaching nearer to the Lake Nzigé, which he was so desirous of exploring; he then found himself with fourteen hands only, and has been compelled to abandon his project and proceed eastward to the Sobat till after the rainy season.

I learn, on inquiry, that Moossa Pasha, the Governor-General of the Soudan, is considered as a very active and efficient Governor, free from the Egyptian taint of corruption; and his Wakeel, who, during his frequent absences from Khartoum, represents him, was particularly brought to my notice by Captain Speke, as having rendered him good service.

It is very difficult to say what course should be pursued. If the Egyptian Government really and sincerely intended to suppress the Trade, it might be effected in a great degree by an efficient river police: but their Nubian regiments must be furnished by some means; and no pay would induce a Nubian to enlist. The sole female servants of, not only Arab and Turkish, but most European houses, are the negro women from Nubia; in the latter they receive good wages, and are faithful and attached. Not one of these would voluntarily have quitted her country, but they adapt themselves to their really bettered circumstances,

and are cheerful, and apparently contented. The Viceroy argued that their condition, and that of the males also, is largely ameliorated; but, for ten who reach Cairo, fifty have, perhaps, miserably perished in the transit, which has been described to me as worse than the middle passage in the Cuban slavers. It is a difficult question to deal with. I shall urge on the Viceroy the establishment along the river, at various stations, beginning at Gondokoro, of an officer with soldiers; but I fear that the Arab race advancing south, the Negro will have to fly, for we see most clearly the two races are hostile to each other.

A very serious question I feel compelled to submit to your Lordship, and which requires an immediate solution. Should not the British Consul in the Soudan be most strictly prohibited from trading? A Consul we require; and if the trade opens up, he will be of great use, both in watching that trade, when, untrammelled by any connection with the wretches who now abound in the upper parts of the country, he will be able to make his voice heard in favour of humanity, and will serve, if not as a positive and complete check on the Government, to mitigate the horrors of the Traffic, and pave the way to its entire abolition.

No. 193.

Mr. Colquhoun to Earl Russell.—(Received September 14.)

(Extract.)

Alexandria, September 2, 1863.

A REPORT reached me a few days ago that the native population on the White Nile above Khartoum had risen on the Europeans trading there, and massacred every one they could lay hold of. I find it has originated with a Frenchman, who, as the Prince Halim's Agent, has been frequently sent up to those countries to look after the Prince's interests. This person relates that on coming down the river he was overtaken by a messenger sent from Khartoum with the intelligence of the rising of the black population. I receive this and communicate it under reserve, for I think Mr. Petherick would not have failed to have informed me of the facts. It appears the native population are driven to despair by the abominable acts of violence committed on them by the traders, and have in sheer despair risen. Mr. Petherick is in all probability safe, but I am very uneasy as to the fate of that intrepid traveller Mr. White Baker, who, by his last letters, having failed in collecting men enough to penetrate to the Lake Tzigé, had gone away eastward, and was exploring the Sobat district. Mr. Baker is as popular and beloved among the various tribes as every other European, without exception, is feared and hated, so I trust he and his little band of fourteen are safe.

No. 194.

Earl Russell to Mr. Colquhoun.

Sir,

Foreign Office, October 31, 1863.

I TRANSMIT to you herewith under flying seal, for your information, a despatch which I have addressed to Consul Petherick,* informing him that the Consulship of Khartoum will be abolished on and after the 1st of February next, and instructing him to deliver to you, on the termination of his services under this Department, the whole of his official archives.

I am, &c.
(Signed) RUSSELL.

TURKEY. (*Consular*)—*Damascus*.

No. 195.

Consul Rogers to Earl Russell.—(*Received August 6.*)

My Lord.

Damascus, July 17, 1863.

I HAVE the honour to report to your Lordship that a few weeks ago an unfortunate female slave, far advanced in pregnancy, came to this Consulate to demand redress from the cruelty of her master and his brother. It appeared that the latter was the father of the child yet unborn, in consequence of which the former was much annoyed and wished to oblige him to purchase her, and both had inflicted tortures on the unfortunate negress with a view to produce a premature birth.

I had a personal interview with Rushdi Pasha, and, at his Excellency's suggestion, caused a petition to be written in the name of the applicant, which I sent to the Serai, where, after several interviews, it was decided that the negress could not be sold, and must be set free. The necessary document was eventually obtained, and the poor woman is now staying in my house until she be strong enough to undertake service.

I have, &c.
(Signed) E. T. ROGERS.

No. 196.

Earl Russell to Consul Rogers.

Sir,

Foreign Office, August 12, 1863.

I HAVE to acquaint you that I approve the steps taken by you to procure the manumission of the unfortunate female slave who took refuge in your house as reported in your despatch of the 17th ultimo.

I am, &c.
(Signed) RUSSELL.

TURKEY. (*Consular*)—*Khartoum*.

No. 197.

Earl Russell to Consul Petherick.

Sir,

Foreign Office, October 31, 1863.

AS the public interests no longer require the retention of a British Consul at Khartoum, Her Majesty's Government are of opinion that the time has arrived to abolish the post.

I have accordingly to state to you, that on and after the 1st of February next your functions as Her Majesty's Consul for the Soudan will be at an end.

You will, on the termination of your services under this Department, seal up and deliver to Her Majesty's Agent and Consul-General at Alexandria the whole of your official archives,

I am, &c.
(Signed) RUSSELL.

TURKEY. (*Consular*)—*Monastir*.

No. 198.

Acting Consul Calvert to Earl Russell.—(Received January 17, 1863.)

My Lord,

Monastir, December 20, 1862.

I HAVE the honour to report the following circumstances connected with the manumission of a slave through the instrumentality of this Consulate:—

On the 15th of March last, a negress named Gulfidan, aged 34 years, and owned by Suleiman Bey of Perlepé, ran away from her master and took refuge in the British Consulate. The more immediate cause of her flight was ill usage on the part of Suleiman Bey's wife, but she claimed her freedom as due by the Mahommedan law, which prescribes the liberation of every slave upon the completion of seven years' bondage under any one person, or the death of the proprietor. Although this poor woman had been in Suleiman Bey's service five years only, the first of these conditions had been fulfilled, in her case, twice, and the second three times, under previous masters.

Mr. Consul Charles Calvert having communicated on her behalf, officiously, with the then Governor of this province, Abdul Kerim Pasha, his Excellency promised to effect her manumission. Before this promise was carried out, however, the Pasha's sudden departure for Montenegro, in the month of June, temporarily suspended further action in the matter. Gulfidan meanwhile remained at the Consulate, and, being willing and industrious, I assigned her for her voluntary services wages at the rate usually given here to female servants, in addition to the clothes, &c., with which she had been provided by Mr. C. Calvert previously to his departure.

Upon Abdul Kerim Pasha's return to Monastir, two months ago, I addressed myself to Hadji Ali Pasha, the present Civil Governor, referring him to his military colleague on the subject. After some negotiations, his Excellency engaged that Gulfidan should be manumitted upon her being made over to the family of his Kiahia for two or three days. I at once acceded to this arrangement, and have the satisfaction to state that this poor creature has to-day received her certificate of freedom.

The wife of Abdi Pasha of Scutari, a benevolent lady resident here, who has interested herself in this case, has offered to take Gulfidan into her service on advantageous terms, which she will probably be induced to accept.

I have, &c.

(Signed) EDMUND CALVERT.

No. 199.

*Earl Russell to Acting Consul Calvert.*Sir, *Foreign Office, January 24, 1863.*

I HAVE received your despatch of the 20th ultimo, and I have to convey to you my approval of the steps which you took to procure the manumission of the female slave Gulfidan, who took refuge in the British Consulate.

I am, &c.

(Signed) RUSSELL.

Acting Consul Calvert to Earl Russell.—(*Received February 28.*)

My Lord,

Monastir, February 6, 1863.

I HAVE the honour to transmit to your Lordship, inclosed, the copy of a despatch which I have addressed to Her Majesty's Ambassador at Constantinople, reporting two cases of runaway slaves who have placed themselves under the protection of foreigners, and soliciting his Excellency's instructions in regard to one of those cases.

I have, &c.

(Signed)

EDMUND CALVERT.

Inclosure in No. 200.

Acting Consul Calvert to Sir H. Bulwer.

Sir,

Monastir, February 6, 1863.

I HAVE the honour to report to your Excellency the following two cases which have again occurred here of runaway slaves placing themselves under the protection of foreigners.

The first is that of a negro, named Ali, twenty-five years of age, who took refuge at the Russian Consulate some weeks since. He was bought, seven years ago, by a certain Mustapha Bey, of this place, who died the year before last. Although the poor man thus possessed a clear title to his liberty, according to the provisions of the Mahometan law, he was, on the death of his master, transferred to the possession of Hakki Bey, the son of Mustapha Bey. The local authorities have, nevertheless, used every effort to obtain from the Russian Consul his restitution. Overtures to this effect were made, at first, in an unofficial form; but M. Hitroff having declined to give up the man until receiving instructions from his Legation, the parties interested finally had recourse to the stereotyped pretext of a charge of theft, which was conveyed in an official note from Hadji Ali Pasha to the Russian Consul.

Your Excellency will perhaps remember a similar pretext in the question of the two negresses claimed by Ahmed Pasha, and which was described by Mr. Consul Longworth in his despatch from Monastir of the 25th January, 1859, as already "a stale practice" in such cases.

The Pasha's note contained a demand for the delivery of the alleged thief to the local authorities, "together with the stolen property." M. Hitroff again declined to act in the matter pending the receipt of instructions. He further took umbrage at the Pasha's demand for the restitution by him, the Consul, of (alleged) stolen property. Although sufficient time had elapsed for the receipt of the expected instructions from Constantinople before M. Hitroff's departure hence, the question does not appear to have been yet settled between the Russian Legation and the Porte. The man Ali, meanwhile, remains at the Russian Consulate.

The second case I have to report is that of a negress named Khadidjé, aged twenty-four years, and owned by one Mahmoud Bey, of Monastir. The master having for some reason decided on parting with his slave, sent Khadidjé to the public vendor ("tellâl"). After remaining with this man's family for three weeks, in default of a purchaser, she took to flight on the 25th January. She made her way in the first place to the British Consulate. I happened to be away at the time, and the fugitive addressed herself to Gulfidan,* the manumitted slave whose case was reported in my last despatch. By her advice the poor woman went over to the Russian Consulate. M. Hitroff, being already embarrassed with the case above related, did not encourage her application; and it seems she was advised by some person at the Russian Consulate to apply to the Austrian Vice-Consul. She found her way, by mistake, to the house of M. Enz, a Swiss merchant under the protection of the French Vice-Consulate, who willingly gave her shelter, and with whom she has since remained. The case thus falls within my competency as Acting Vice-Consul for France.

Mahmoud Bey's endeavours for the recovery of his fugitive property were in the first instance limited to direct personal communication with M. Enz, with whom he has had several friendly interviews on the subject. As M. Enz, however, did not consider himself at liberty to comply with the Bey's request, an official application has been addressed

* I may mention that Gulfidan has resolved to await the return hither of Mrs. Charles Calvert before taking a decision as to the advantageous offer of employment referred to in the above despatch.

to me through Hadji Ali Pasha. I have begged his Excellency to allow the matter to remain over pending a reference of it to Constantinople.

I therefore now have the honour to solicit your Excellency's instructions with regard thereto, leaving it to your Excellency to communicate with the French Ambassador on the subject, should you judge that course proper.

It is necessary to state to your Excellency that the requirements of the Mussulman law with respect to manumission do not seem to have been fulfilled in the case of the woman Khadidjé. She has changed hands twice by regular purchase since she was first bought by a certain Abdullah Pasha at Constantinople twelve years ago; and her longest term of service under any one master has not exceeded five years. She had served Mahmoud Bey three years.

In none of these cases of runaway slaves which I have lately had occasion to report, does the ill-usage on the part of the owners appear to have been of a very aggravated nature. The leniency, generally speaking, of domestic slavery in Turkey is proved by the fact that these cases, occurring as they do from time to time, are by no means so numerous on the whole as might be expected. Still, however, there are exceptions to this leniency; and instances of illegal retention in slavery, such as those of Gulfidan and Ali, appear to be of not unfrequent occurrence. Under any circumstances, the occasional repetition of fugitive cases, such as those now reported, is a contingency to be looked for.

Hadji Ali Pasha took occasion to observe to me, in reference to the present instances, how desirable it was, in his opinion, that some fixed rule of action should be adopted with regard to these embarrassing questions; and the force of the remark is felt no less by the Consular Body here than by the local authorities.

I have, &c.

(Signed) EDMUND CALVERT.

No. 201.

Acting Consul Calvert to Earl Russell.—(Received March 28.)

My Lord,

Monastir, March 3, 1863.

I HAVE the honour to acknowledge the receipt of Lordship's despatch of the 24th January, by which I have the high gratification to learn that your Lordship is pleased to approve of the steps which I took to procure the manumission of the female slave Gulfidan, who took refuge in this Consulate.

I have, &c.

(Signed) EDMUND CALVERT.

No. 202.

Consul Calvert to Earl Russell.—(Received April 25.)

My Lord,

Monastir, April 9, 1863.

REFERRING to Mr. Acting Consul E. Calvert's despatch dated the 6th February last, on the two cases of fugitive slaves who have taken refuge with foreigners, I have the honour to inform your Lordship that M. Enz, the Swiss merchant, has voluntarily surrendered to Hadji Ali Pasha the negress Khadidjé who had fled to his house. M. Enz's motive for so acting proceeded, he tells me, from a desire to avoid causing embarrassment between the local Turkish authorities and myself immediately upon my return to my post. Whilst the quarrelsome disposition of this negress was a source of trouble to his household, M. Enz became convinced, moreover, on making inquiry, that her claim to manumission could not justly have been sustained.

Nothing new has transpired with regard to the case of the negro Ali, who still remains at the Russian Consulate.

I may add whilst on this subject that the negress Gulfidan, who was manumitted through the instrumentality of Mr. Acting Consul E. Calvert in December last, has engaged herself as a hired servant in my household.

I have, &c.

(Signed) CHARLES J. CALVERT.

TRIPOLI.

No. 203.

*Consul-General Herman to Earl Russell.—(Received May 16.)*My Lord, *Tripoli, April 30, 1863.*

I HAVE the honour to report to your Lordship that on the night of the 23rd instant some 15 slaves were clandestinely embarked within a mile of the town gates.

On bringing this circumstance to the notice of the Governor-General, he assured me that on the return of the xebeek, which belongs to this place, he will make an example of the captain and crew, but that with the owner, a Jew under the protection of France, he can do nothing. His Excellency at the same time lamented his inability, from the great extent of the seaboard of this Regency, to effectually put down the contraband Trade in Slaves, and with the inadequate means at his disposition it must be admitted that the observation is well founded. But means might certainly be found for effecting the object within sight of the town gates.

The Imperial Decree of 1856 abolishing the exportation of negroes from this province has rather diverted into new channels, than extinguished, the trade of the interior. The caravans which formerly, from the basins of the Lake Tchad and the Niger, used to find markets for their merchandize at Tripoli and Bengazi, now proceed to Algeria and Egypt; the last is the main stream which skirting the southern boundary of this province strikes the Egyptian frontier at a point between the latitudes of Siwas and Cairo. Such of the slaves as are not absorbed by the demand of the Egyptian market are dispatched in small parties across the Red Sea into Arabia, from whence they are distributed throughout the Levant.

So essential and time-honoured an element is negro slavery in the domestic organization of the Turks, and such the extent and unguarded condition of the Egyptian frontier, that were the vigilance of the Government authorities as active as it is supine, it is to be feared that to effectually arrest the Traffic will be an operation of immense difficulty.

The only effectual remedy for the evil would be the abolition, as at Tunis, of slavery as an institution.

I have, &c.
(Signed) G. F. HERMAN.

No. 204.

*Consul-General Herman to Earl Russell.—(Received June 12.)*My Lord, *Tripoli, June 4, 1863.*

WITH reference to my despatch of the 30th April last, reporting the clandestine embarkation on the night of the 23rd of April of a party of negro slaves within a mile of the town gates, I have the honour to acquaint your Lordship that on the return, a few days ago, of the vessel which conveyed them away, the master of the same was immediately thrown into prison by the orders of the Governor-General.

I have, &c.
(Signed) G. F. HERMAN.

TUNIS.

No. 205.

Consul-General Wood to Earl Russell.—(Received January 12.)

My Lord,

Tunis, January 3, 1863.

I HAVE the honour to report that having been informed that a native had brought 7 female slaves to Tunis for the purpose of traffic, I brought the circumstance to the knowledge of the Bey, who immediately ordered their manumission.

His Highness declared that he would not allow slavery in his dominions, and as an earnest of his intention he caused the slaves to be brought to the palace, where, after delivering to each of them a certificate of emancipation, he directed the Chief of the negro population to take care of them until such time as they could find employment.

My informant was a Mahomedan of very great respectability, who, up to this time, was unknown to me, but he stated that he acted from conscientious motives; and as the affair has likewise created some sensation amongst Mussulmans, it is natural to deduce from these two facts that the public feeling has undergone a change, and that the Mussulmans in this country are at present generally adverse to slavery.

I have, &c.
(Signed) RICHARD WOOD.

No. 206.

Earl Russell to Consul-General Wood.

Sir,

Foreign Office, January 21, 1863.

I HAVE received your despatch of the 3rd instant, reporting the manumission of 7 female slaves at Tunis by desire of His Highness the Bey; and I have to desire that you will express to His Highness the gratification with which Her Majesty's Government has learnt his proceedings in this case, and his determination not to allow slavery to be carried on in his dominions.

I am, &c.
(Signed) RUSSELL

UNITED STATES.

No. 207.

Lord Lyons to Earl Russell.—(Received January 4, 1863.)

My Lord,

Washington, December 20, 1862.

WITH reference to your Lordship's despatch of the 24th ultimo, I have the honour to inclose a copy of a note from Mr. Seward, acknowledging the receipt of a notification from me of the fact that the oaths had been duly taken by the Judge and Registrar of the Mixed Commission Court at Sierra Leone, established under the Treaty of the 7th April last.

I have, &c.
(Signed) LYONS.

Inclosure in No. 207.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, December 18, 1862.

I HAVE the honour to acknowledge the receipt of your note of the 14th instant, informing me that Mr. G. Skelton, Her Majesty's Judge in the Mixed Commission Court at Sierra Leone, has reported to Her Majesty's Government that he took, on the 13th of October last, before the Chief Justice of that Colony, the oath prescribed by Article I of Annex B to the Treaty concluded at Washington on the 7th of April last, and that later on the same day he administered the prescribed oath to Mr. William Smith, Registrar in the same Court.

I have, &c.
(Signed) WILLIAM H. SEWARD.

No. 208.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, January 8, 1863.

I HAVE to acquaint your Lordship that I have received a despatch from Mr. Frere, Her Majesty's Judge in the British and United States' Mixed Commission established at the Cape of Good Hope, under the provisions of the Treaty with the United States for the suppression of the Slave Trade, reporting that he has adopted the necessary formalities for opening the Court with the view to be prepared for the transaction of any business that may be brought before it. I have to instruct your Lordship to communicate this fact to the United States' Government.

I am, &c.
(Signed) RUSSELL.

No. 209.

Lord Lyons to Earl Russell.—(Received January 14, 1863.)

My Lord,

Washington, December 31, 1862.

I HAVE the honour to inclose a copy of a note with which, in obedience to the orders conveyed to me by your Lordship's despatch of the 6th instant, I transmitted to

Mr. Seward a copy of a letter from Commander Symons to Commodore Edmonstone, dated the 27th of August, and reporting his having boarded the American barque "*Elizabeth*," on suspicion of her being engaged in the Slave Trade. I have the honour to inclose a copy of a note from Mr. Seward acknowledging the receipt of the communication.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 209.

Lord Lyons to Mr. Seward.

Sir,

Washington, December 24, 1862.

IN obedience to the orders of Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to transmit to you, for the information of the Government of the United States, a copy of a letter from Commander Symons, of Her Majesty's ship "*Lee*," reporting his having boarded, on the 27th of August last, the American barque "*Elizabeth*," on suspicion of her being engaged in the Slave Trade.

I have, &c.
(Signed) LYONS.

Inclosure 2 in No. 209.

Mr. Seward to Lord Lyons.

My Lord, *Department of State, Washington, December 26, 1862.*

I HAVE the honour to acknowledge the receipt of your note of the 24th instant, inclosing, for the information of this Government, a copy of a letter from Commander Symons, of Her Britannic Majesty's ship "*Lee*," reporting his having boarded, on the 27th of August last, the American barque "*Elizabeth*," on suspicion of her being engaged in the Slave Trade.

I avail, &c.
(Signed) WILLIAM H. SEWARD.

No. 210.

Earl Russell to Lord Lyons.

My Lord, *Foreign Office, January 24, 1863.*

I HAVE received your Lordship's despatch of the 12th ultimo, reporting that Mr. Seward has officially informed you that the President of the United States consents to extend to the coasts of the Island of Madagascar the reciprocal right of visit and detention established by Article I of the Treaty of the 7th of April last, between Her Majesty and the United States of America, for the suppression of the African Slave Trade.

In the opinion of Her Majesty's Government the most convenient form of carrying out the understanding come to by the two Governments on this matter, would be by annexing an Additional Article to the Treaty of the 7th of April last, and I accordingly inclose the draft of an Article to be submitted for the approval of the United States' Government.

I have further to state to your Lordship that, in consequence of what passed between your Lordship and Mr. Seward on the subject of the extension of the right of visit and detention to the coasts of the Island of Puerto Rico, I have had the Article framed to include that island; and also, in conformity with your Lordship's suggestion, the Island of San Domingo.

If the United States' Government should not consent to extend the provisions of the proposed Additional Article to the Islands of Puerto Rico and San Domingo, or should consent to those provisions being extended to only one or the other Island, your Lordship will make the necessary omission in the Draft Article, so that it may apply to Madagascar only or to Madagascar and either Puerto Rico or San Domingo, as the case may be, and you may then sign it in virtue of the full powers with which you are already invested.

I trust, however, that as the proposed extension of the reciprocal right of search and

detention to those two Islands will more effectually carry out the objects which the two Governments had in view in concluding the Treaty of the 7th of April last, the Cabinet of Washington will concur with Her Majesty's Government in thinking it desirable that the Article should be signed as it now stands.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 210.

Draft of Additional Article to the Treaty between Her Britannic Majesty and the United States of America for the Suppression of the African Slave Trade, signed at Washington, April 7, 1862.

WHEREAS by the First Article of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America, for the suppression of the African Slave Trade, signed at Washington on the 7th of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two High Contracting Parties which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant-vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African Slave Trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African Slave Trade contrary to the provisions of the said Treaty; and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner hereinafter agreed upon: And whereas it was by the said Article further stipulated and agreed, that the reciprocal right of search and detention should be exercised only within the distance of 200 miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the Island of Cuba: And whereas the two High Contracting Parties are desirous of rendering the said Treaty still more efficacious for its purpose; the Plenipotentiaries who signed the said Treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and detention, as defined in the Article aforesaid, may be exercised also within thirty leagues of the Island of Madagascar, within thirty leagues of the Island of Puerto Rico, and within thirty leagues of the Island of San Domingo.

The present Additional Article shall have the same force and validity as if it had been inserted word for word in the Treaty concluded between the two High Contracting Parties on the 7th of April, 1862, and shall have the same duration as that Treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Washington, the day of , in the year of our Lord, 1863.

No. 211.

Lord Lyons to Earl Russell.—(Received February 13.)

My Lord,

Washington, January 27, 1863.

I HAVE the honour to inclose a copy of a note in which, in obedience to the instruction contained in your Lordship's despatch of the 8th instant, I have informed the Government of the United States that Mr. Frere, Her Majesty's Commissioner, has completed the necessary formalities for opening the Mixed Commission Court established at the Cape of Good Hope under the Treaty between Great Britain and the United States for the suppression of the Slave Trade.

I have, &c.
(Signed) LYONS,

Inclosure in No. 211.

Lord Lyons to Mr. Seward.

Sir,

Washington, January 26, 1863.

I AM directed by Her Majesty's Government to inform you that Mr. Frere, Her Majesty's Judge in the British and United States' Mixed Commission Court established at the Cape of Good Hope under the Treaty of the 7th of April last, has completed the necessary formalities for opening the Court with a view to its being ready for the transaction of any business which may be brought before it.

I have, &c.
(Signed) LYONS.

No. 212.

Lord Lyons to Earl Russell.—(Received February 13.)

My Lord,

Washington, January 30, 1863.

I HAVE the honour to inclose a copy of a note from Mr. Seward, acknowledging the receipt of the announcement made to him in my note of the 26th instant of the opening of the British and United States' Mixed Commission Court at the Cape of Good Hope.

A copy of my note was inclosed in my despatch to your Lordship of the 27th instant.

I have, &c.
(Signed) LYONS.

Inclosure in No. 212.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, January 29, 1863.

I HAVE the honour to acknowledge the receipt of your note of the 26th instant, advising me that the necessary formalities have been completed for opening the United States and British Mixed Commission Court established at the Cape of Good Hope under the Treaty between the two countries of the 7th April last.

I avail, &c.
(Signed) WILLIAM H. SEWARD.

No. 213.

Lord Lyons to Earl Russell.—(Received March 6.)

My Lord,

Washington, February 20, 1863.

MR. SEWARD and I signed, on the 17th instant, an Additional Article to the Treaty of the 7th April for the suppression of the Slave Trade. I have the honour to inclose a copy of it. Your Lordship will see that it extends the provisions of the Treaty to the seas within thirty miles of Madagascar, Puerto Rico, and San Domingo. It is, in fact, copied word for word from the draft transmitted to me with your Lordship's despatch of the 24th ultimo. Mr. Seward feels confident that it will be ratified by the Senate before the close of the session.

I shall transmit the signed Article to your Lordship by the Royal mail-packet which sails from New York on the 25th instant.

I have, &c.
(Signed) LYONS.

Inclosure in No. 213.

Additional Article to the Treaty between Her Britannic Majesty and the United States of America for the Suppression of the African Slave Trade, signed at Washington, April 7, 1862.

WHEREAS by the First Article of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, for the suppression of the African Slave Trade, signed at Washington on the 7th of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two High Contracting Parties which shall be provided with special instructions for that purpose, as thereafter mentioned, may visit such merchant-vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African Slave Trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African Slave Trade contrary to the provisions of the said Treaty; and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner thereafter agreed upon: And whereas it was by the said Article further stipulated and agreed that the reciprocal right of search and detention should be exercised only within the distance of two hundred miles from the Coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the Island of Cuba: And whereas the two High Contracting Parties are desirous of rendering the said Treaty still more efficacious for its purpose;—the Plenipotentiaries who signed the said Treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and detention, as defined in the Article aforesaid, may be exercised also within thirty leagues of the Island of Madagascar, within thirty leagues of the Island of Puerto Rico, and within thirty leagues of the Island of San Domingo.

The present Additional Article shall have the same force and validity as if it had been inserted word for word in the Treaty concluded between the two High Contracting Parties on the 7th of April, 1862, and shall have the same duration as that Treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Washington, the seventeenth day of February, in the year of our Lord one thousand eight hundred and sixty-three.

(L.S.) LYONS.
(L.S.) WILLIAM H. SEWARD.

No. 214.

Lord Lyons to Earl Russell.—(Received March 9.)

My Lord,

Washington, February 24, 1863.

IN my immediately preceding despatch dated the 20th instant, I reported to your Lordship that Mr. Seward and I had signed, on the 17th instant, an Additional Article to the Treaty of the 7th of April for the suppression of the Slave Trade. I have now the honour to transmit to your Lordship the Article so signed.

I have, &c.
(Signed) LYONS.

Inclosure in No. 214.

Additional Article to the Treaty between Her Britannic Majesty and the United States of America for the Suppression of the African Slave Trade, signed at Washington, April 7, 1862.

[See Inclosure in No. 213.]

No. 215.

Lord Lyons to Earl Russell.—(Received March 17.)

My Lord

Washington, March 2, 1863.

THE Additional Article extending the provisions of the Slave Trade Treaty of the 7th of April last to the vicinity of Madagascar, San Domingo, and Puerto Rico, was unanimously ratified by the Senate in secret session on the 27th ultimo. I have not yet received official information of the fact, but there is no doubt of it.

I have, &c.
(Signed) LYONS.

No. 216.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, March 26, 1863.

I TRANSMIT to your Lordship herewith copies of Reports as marked in the margin,* from Commanders of Her Majesty's cruisers employed in the suppression of the Slave Trade on the West Coast of Africa, reporting the boarding, for the purpose of ascertaining their nationality, of the under-mentioned vessels, flying American colours, viz.:—Barques "*Ocilla*," "*Swallow*," "*Ann and Mary*," and "*Nye*;" and brig "*Leonidas*."

As, at the time of the boarding of these vessels, Her Majesty's cruisers were not furnished with the instructions required by Treaty in order to enable them to detain a United States' ship, the "*Ocilla*," which it was notoriously known at the time was intended to be employed in the Slave Trade, was not further molested, and she escaped shortly afterwards from the Congo River with a cargo of upwards of 1,400 slaves,

I also inclose a copy of a Report from the Commander of Her Majesty's ship "*Wrangler*,"† giving an account of the capture of a vessel without papers or colours, fully equipped for the Slave Trade. The master of the captured ship gave the name of his vessel as the "*Josephine*," but your Lordship will perceive that she was subsequently ascertained to be the "*Island Queen*," of Washington.

I have to instruct your Lordship to communicate the substance of these Reports to the United States' Government.

I am, &c.
(Signed) RUSSELL.

No. 217.

Earl Russell to Lord Lyons:

(Extract.)

Foreign Office, April 18, 1863.

I TRANSMIT to you, for your information, the accompanying extract of a letter from Mr. Adams, inclosing a list of United States' cruisers which have been furnished with authority to carry out the provisions of the Treaty of the 7th of April, 1862, for the suppression of the African Slave Trade.

Inclosure 1 in No. 217.

Mr. Adams to Earl Russell.

(Extract.)

Legation of the United States, London, April 14, 1863.

I HAVE the honour to transmit to your Lordship a copy of a letter from the Secretary of the Navy of the United States to the Secretary of State, accompanied by a list of the national vessels which have so far been furnished with authority to carry out the provisions of the Treaty of the 7th April, 1862, for the further suppression of the Slave Trade.

* Class A, Nos. 97 and 101.

† Ibid., No. 105.

Inclosure 2 in No. 217.

Mr. Welles to Mr. Seward.

(Extract.)

Navy Department, March 28, 1863.

IN pursuance of the IIInd Article of the Treaty of the 7th April, 1862, between the United States and Great Britain, for the suppression of the African Slave Trade, I have the honour to inclose herewith, for transmission to Her Majesty's Government, a list of the vessels of the United States' navy which have so far been furnished with special authority to carry out the provisions of said Treaty.

Instructions to carry out the provisions of the Treaty will be given to other vessels, the names of which, with their Commanders, and the force of each, shall be duly communicated.

Inclosure 3 in No. 217.

LIST of Vessels of the United States' Navy duly authorized to carry out the provisions of the Treaty between the United States and Great Britain, of April 7, 1862, for the suppression of the African Slave Trade.

Vessel.	Class.	Guns.	Commander.	Station.
Juniata (Flag)	Screw sloop	11	Acting Rear-Admiral Chas. Wilkes	West Indies.
Alabama	Side-wheel steamer	9	Commander E. T. Nichols	Ditto.
Sonoma	Ditto	6	Commander J. M. B. Clitz	Ditto.
Tioga	Ditto	6	Commander A. G. Cleary	Ditto.
Santiago de Cuba	Ditto	10	Commander R. H. Wyman	Ditto.
Octorara	Ditto	6	Commander Napl. Collins	Ditto.
Shepherd Knapp	Sailing-ship	8	Lieutenant H. S. Eyttinge	Ditto.
Rhode Island	Side-wheel steamer	11	Commander S. D. Trenchard	Ditto.
Vanderbilt	Ditto	15	Commander Ch. H. Baldwin	Ditto. Special service.
Connecticut	Ditto	5	Commander Geo. H. Cooper	Special service. Gulf of Mexico.
Mohican	Screw-sloop	7	Captain O. S. Glisson	Vicinity of the Cape de Verde Islands.

No. 218.

Lord Lyons to Earl Russell.—(Received March 21.)

My Lord,

Washington, March 6, 1863.

WITH reference to my despatch dated the 2nd instant, I have the honour to transmit herewith to your Lordship a copy of a note from Mr. Seward acquainting me that the Senate has approved the Additional Article to the Slave Trade Treaty of the 7th April last, and that it will be immediately ratified by the President, and a ratified copy forwarded to Mr. Adams for exchange.

I have, &c.
(Signed) LYONS.

Inclosure in No. 218.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, March 4, 1863.

I HAVE the honour to acquaint you that on the 27th ultimo the Senate approved the Additional Article to the Treaty for the suppression of the African Slave Trade between the United States and Great Britain of the 7th of April, 1862, which was concluded and signed by us on the 17th of last month. It will be immediately ratified by the President, and a ratified copy will be forwarded to Mr. Adams, for exchange, without unnecessary delay.

I avail, &c.
(Signed) WILLIAM H. SEWARD.

No. 219.

Lord Lyons to Earl Russell.—(Received May 4.)

My Lord,

Washington, April 21, 1863.

I HAVE the honour to inclose a copy of a note in which, in obedience to the instruction contained in your Lordship's despatch of the 26th ultimo, I have communicated to the United States' Government the substance of despatches from Commanders of Her Majesty's cruizers reporting the boarding of the under-mentioned vessels flying American colours, viz., the barques "*Ocilla*," "*Anne and Mary*," and "*Nye*," and brig "*Leonidas*."

I have also the honour to inclose a copy of an answer which Mr. Seward has made to my note.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 219.

Lord Lyons to Mr. Seward.

Sir,

Washington, April 15, 1863.

I HAVE received instructions from Her Majesty's Government to acquaint you that reports have been received from the Commanders of Her Majesty's cruizers employed in the suppression of the Slave Trade on the West Coast of Africa of the following instances in which they have boarded vessels flying American colours for the purpose of ascertaining their nationality.

Commander Douglas, of Her Majesty's ship "*Espoir*," reports that on the 31st of October last he caused to be boarded the barque "*Ann and Mary*," belonging to the United States, and that her papers being found to be correct, and no complaint being made, she was allowed to proceed on her voyage.

The same officer reports that on the 25th of October last he caused to be boarded the barque "*Swallow*," belonging to the United States; that her papers being found to be correct, and no complaint being made, she was allowed to proceed on her voyage.

Commander Hoskins, of Her Majesty's ship "*Zebra*," reports that on the 24th of September last he caused to be boarded the American barque "*Nye*," of New Bedford, that her register appeared to be correct, and that her master did not wish any notation to be made in the log, nor did he make any complaint.

The same officer reports having caused to be boarded the American brig "*Leonidas*," of West Port, on the 25th of October last, with the same result as in the preceding case. The master is stated to have made no complaint.

A brig of the same name, and probably the same vessel, is stated to have been boarded on the 5th of October, at the wish of her master, by a boat from Her Majesty's ship "*Torch*."

The barque "*Ocilla*" is reported to have been twice boarded, first by Her Majesty's ship "*Espoir*" on the 10th, and afterwards by Her Majesty's ship "*Zebra*" on the 28th September last. Circumstances are stated to have given rise to suspicions on both occasions, but she could not be detained, as her papers were to all appearance correct, and the cruizers were not at that time furnished with the instructions required by Treaty in order to enable them to detain a United States' vessel.

She is reported to have subsequently escaped from the Congo River on the night of the 16th of October, with a cargo of 1,400 slaves, and to having been ineffectually chased by Her Majesty's ship "*Zebra*."

I am also instructed to inform you of the circumstances of the capture by Commander Beamish, of Her Majesty's ship "*Wrangler*," on the 28th of December last, in latitude 14° 37' south, longitude 90° 19' east, Little Fish Bay east $\frac{3}{4}$ north about 172 miles, of a full-rigged ship, perfectly equipped for the Slave Trade, and ready to receive from 1,000 to 1,300 slaves.

This vessel is reported to have been captured after a four hours' chase, to have shown no colours, and to have had no papers. The captain is stated to have called her the "*Josephine*," but the name of "*Island Queen*, Washington, D.C.," is said to have been made out without much difficulty on her stern, though means had been taken to erase it.

The Commander of the "*Wrangler*" states that he had reason to believe, from

information he had obtained, that the vessel in question was fitted out at Havana in March 1862 with United States' colours and papers, and that she was commanded by a Captain Denham, said to be a noted slave-captain, by whom she was taken to Cadiz, where she changed ownership, took out Spanish papers under the name of "*Josephine*," received a new captain, a Portuguese, with a Spanish and Portuguese crew, and was fitted out for the Slave Trade.

I have, &c.
(Signed) LYONS.

Inclosure 2 in No. 219.

Mr. Seward to Lord Lyons.

My Lord, *Department of State, Washington, April 16, 1863.*

I TAKE great pleasure in acknowledging the receipt of your note of yesterday, in which, under the instructions of your Government, you inform me that reports have been received from the Commanders of Her Majesty's cruisers employed in the suppression of the Slave Trade on the West Coast of Africa of several stated instances in which they have boarded vessels flying American colours for the purpose of ascertaining their nationality. As it regards the cases of the "*Ocilla*" and the "*Josephine*," the information will be used to ferret out and bring to punishment any Americans who may be found to have been concerned in the violation of the laws in connection with those vessels.

I have, &c.
(Signed) WILLIAM H. SEWARD.

No. 220.

Lord Lyons to Earl Russell.—(Received May 7.)

My Lord, *Washington, April 24, 1863.*

MR. SEWARD informed me yesterday that Benjamin Pringle, Esq., had been appointed Judge, on the part of the United States, in the Mixed Commission Court established under the Slave Trade Treaty at the Cape of Good Hope, and was about to proceed to his post.

Mr. Seward asked me to give Mr. Pringle letters of introduction to the authorities at the Cape. I told Mr. Seward that I was not acquainted with any of those authorities, but that I would give Mr. Pringle a letter to the Duke of Newcastle, a few lines from whom to the Governor would be far more efficacious than anything I could write.

I have accordingly sent Mr. Seward a letter for the Duke to be given to Mr. Pringle.

I have, &c.
(Signed) LYONS.

No. 221.

Earl Russell to Lord Lyons.

My Lord, *Foreign Office, June 5, 1863.*

I TRANSMIT to your Lordship herewith copies of the Regulations which I have had drawn up for the guidance, in the technical part of their duties, of the Judges and Arbitrators appointed on the part of Her Majesty for carrying into effect the provisions of the Treaty between Her Majesty and the United States of America for the suppression of the African Slave Trade.

I have to instruct your Lordship to communicate copies of these Regulations to the United States' Government for their approval.

You will state that they have been framed mainly in accordance with the course observed in the High Court of Admiralty in this country, adapting and limiting the proceedings to the objects prescribed by the Treaty under which the Commission is framed.

Her Majesty's Government would, of course, take into consideration any amendments or alterations which the United States' Government, after due deliberation, might see fit to suggest; but as these Regulations have been already maturely considered, Her

Majesty's Government trust that they will be found to accord with the views of the United States' Government, and that the United States' officers in the several Mixed Commission Courts at New York, the Cape of Good Hope, and Sierra Leone will be directed to guide their proceedings in conformity therewith.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 221.

Regulations for the Guidance of the Mixed Courts of Justice established in pursuance of the Treaty of the 7th of April, 1862, between Her Britannic Majesty and the United States of America, for the Suppression of the African Slave Trade.

[See Class A, Appendix.]

No. 222.

Lord Lyons to Earl Russell.—(Received June 8.)

My Lord,

Washington, May 20, 1863.

I HAVE the honour to inclose two copies of a Proclamation of the President, publishing the Article which was signed by Mr. Seward and by me on the 17th of February last, as an Additional Article to the Treaty of the 7th April, 1862, for the suppression of the Slave Trade.

These copies of the Proclamation were sent to me in a cover bearing the seal of the State Department.

I have, &c.
(Signed) LYONS.

Inclosure in No. 222.

By the President of the United States of America.

A Proclamation.

WHEREAS an Additional Article to the Treaty for the Suppression of the African Slave Trade, between the United States of America and Her Britannic Majesty, of the 7th of April, 1862, was concluded and signed at Washington by their respective Plenipotentiaries, on the 17th day of February, 1863, which Additional Article is, word for word, as follows:—

Additional Article to the Treaty between the United States of America and Her Britannic Majesty for the Suppression of the African Slave Trade, signed at Washington, April 7, 1862.

Whereas, by the 1st Article of the Treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the Suppression of the African Slave Trade, signed at Washington on the 7th of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two High Contracting Parties which shall be provided with special instructions for that purpose as hereinafter mentioned, may visit such merchant-vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African Slave Trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African Slave Trade contrary to the provisions of the said Treaty; and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner hereinafter agreed upon; and whereas it was by the said Article further stipulated and agreed that the reciprocal right of search and detention should be exercised only within the distance of 200 miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the Island of Cuba; and whereas the two High Contracting Parties are desirous of rendering the said Treaty still more efficacious for its purpose, the Plenipotentiaries who signed the said Treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and

detention, as defined in the Article aforesaid, may be exercised also within thirty leagues of the Island of Madagascar, within thirty leagues of the Island of Puerto Rico, and within thirty leagues of the Island of San Domingo.

The present Additional Article shall have the same force and validity as if it had been inserted word for word in the Treaty concluded between the two High Contracting Parties on the 7th of April, 1862, and shall have the same duration as that Treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Washington, the 17th day of February, in the year of our Lord 1863.

(L.S.) WILLIAM H. SEWARD.
(L.S.) LYONS.

And whereas the said Additional Article has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London on the 1st instant, by Charles Francis Adams, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of St. James, and Earl Russell, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, on the part of their respective Governments:

Now, therefore, be it known that I, Abraham Lincoln, President of the United States of America, have caused the said Additional Article to be made public, to the end that the same, and every clause and part thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this 22nd day of April, in the year of our Lord 1863, and of the Independence of the United States the eighty-seventh.

(Signed) ABRAHAM LINCOLN.

By the President:

(Signed) WILLIAM H. SEWARD, *Secretary of State.*

No. 223.

Lord Lyons to Earl Russell.—(Received July 5.)

My Lord,

Washington, June 22, 1863.

I HAVE the honour to transmit to your Lordship copy of a note to Mr. Seward, in which I have inclosed, for the approval of the United States' Government, two of the copies of the Regulations for the guidance of the Mixed British and United States' Courts of Justice, which were sent to me with your Lordship's despatch of the 5th instant.

I have, &c.

(Signed) LYONS.

Inclosure in No. 223.

Lord Lyons to Mr. Seward.

Sir,

Washington, June 20, 1863.

I HAVE the honour to submit, for the approval of the President of the United States, copies of Regulations which Her Majesty's Principal Secretary of State for Foreign Affairs has had drawn up for the guidance, in the technical part of their duties, of the Judges and Arbitrators appointed, on the part of Her Majesty, for carrying into effect the provisions of the Treaty between Her Majesty and the United States of America for the suppression of the African Slave Trade.

The Regulations have been framed mainly in accordance with the course observed in the High Court of Admiralty in England, adapting and limiting the proceedings to the objects prescribed by the Treaty under which the Commission is framed.

Her Majesty's Government would, of course, attentively consider any amendments or alterations which the Government of the United States might, after due deliberation, think it advisable to propose; but as the Regulations have been drawn up with great care, Her

Majesty's Government trust that they will be found to accord with the views of the United States' Government, and that the United States' officers in the several Mixed Commission Courts at New York, the Cape of Good Hope, and Sierra Leone, will be directed to guide their proceedings in conformity therewith.

I have, &c.
(Signed) LYONS.

No. 224.

Lord Lyons to Earl Russell.—(Received July 18.)

My Lord, *Washington, July 3, 1863.*

WITH reference to my despatch of the 22nd ultimo, I have the honour to inclose herewith to your Lordship a copy of a note which I have received from Mr. Seward, stating that the United States' Government has no objection to offer to the Regulations prepared by Her Majesty's Government for the guidance, in the technical part of their duties, of the Judges and Arbitrators appointed for carrying into effect the provisions of the Treaty between Her Majesty and the United States for the suppression of the Slave Trade, and that those Regulations are accordingly approved.

I have, &c.
(Signed) LYONS.

Inclosure in No. 224.

Mr. Seward to Lord Lyons.

My Lord, *Department of State, Washington, July 1, 1863.*

THE Attorney-General, to whom was referred a copy of your note of the 20th ultimo, with one of the accompanying copies of the Regulations for the guidance of the Judges and Arbitrators appointed on the part of Her Majesty for carrying into effect the provisions of the Treaty between the United States and Great Britain for the suppression of the African Slave Trade, of the 7th of April, 1862, states, in reply, that those Regulations, which he has examined with some care, have been prepared after the forms and methods of proceeding in Courts of Admiralty, and with strict regard to the practice suitable to the Mixed Courts established under the Treaty; that they provide fully and minutely for all the stages of judicial proceeding in the investigation and disposal of captured prizes; that he does not perceive that, in this respect, they can be improved; and that they are also framed, as far he can see, with strict regard to the rights and obligations of both parties to the Treaty. Under these circumstances, this Government has no objections to offer against the Regulations in question, and they are accordingly approved.

I avail, &c.
(Signed) WILLIAM H. SEWARD.

No. 225.

Earl Russell to Lord Lyons.

My Lord, *Foreign Office, August 1, 1863.*

I TRANSMIT to your Lordship herewith copies of a despatch from Her Majesty's Commissioner at Loanda, and of a letter from Commodore Wilmot,* the officer in command of Her Majesty's naval forces on the West Coast of Africa, reporting the capture of a schooner called the "*Mariquita*," by Her Majesty's ship "*Zebra*," off the Congo River, with 471 slaves on board.

Your Lordship will see that Commodore Wilmot reports that a rumour had reached him that the owners of the "*Mariquita*" entered into heavy bonds at New York for the legal employment of this vessel, and if this is the case it will be right that the United States' Government should be informed of the circumstances under which this vessel has been captured, and I have accordingly to instruct your Lordship to communicate copies of the inclosed papers to the United States' Government for such steps as they may think proper to take in the matter.

* Class A, Nos. 69 and 117.

I have not yet received any report from St. Helena of the condemnation of the "*Mariquita*," nor of the manner in which the master and crew were disposed of; but I have taken the necessary steps for procuring information on these points, and I will not fail to communicate to your Lordship the result of my inquiries in this matter.

I annex also a copy of a letter from Her Majesty's Commissioners of Customs, reporting the result of inquiries instituted by them with regard to the clearance of the "*Mariquita*" from the port of London.

I am, &c.
(Signed) RUSSELL.

Inclosure in No. 225.

The Commissioners of Customs to the Lords Commissioners of the Treasury.

Custom-House, July 25, 1863,

YOUR Lordships having referred to us the annexed letter from Mr. Layard, stating, by desire of Earl Russell, that by a despatch received from Her Majesty's Commissioner at Loanda, it appears that on the 17th of March last Her Majesty's ship "*Zebra*" captured a fore-and-aft schooner called the "*Mariquita*," off Point Padrone, on the West Coast of Africa, with 471 slaves on board, and with clearances from the port of London; and requesting that inquiries may be made with the view of ascertaining, if possible, who were the parties connected with this vessel, and any other information which may tend to throw light on this slave-trading transaction, we report—

That the "*Mariquita*" arrived at this port in October last, with a cargo of flour, from New York, and cleared outwards on the 11th of December following for Kinsembo, in Africa, with the following goods shipped as merchandise:—10 crates of common earthenware, 65 packages of staves, 20 bundles of iron-hooping, 1 cask of iron rivets, 4 cases of cutlery, 3 cases of white flint-glass, 3 cases of cutlery, 50 tons of coals, 8 half-barrels of herrings, 10 boxes of cod-fish.

The goods were consigned, by a person named Lima Vianni or Viana, to order. This person, we are informed, was sole owner of the ship, and after she had sailed proceeded to Havana. He is of Spanish or Portuguese birth, but is a naturalized citizen of the United States of America, and resides in New York. Our officers were also informed that he was in London about six weeks since, and it is not improbable he may be still in this country, but we have been unable to ascertain his address, or any further particulars concerning him.

(Signed) THOS. F. FREMANTLE.
J. GOULBURN.

No. 226.

Earl Russell to Lord Lyons.

My Lord,

Foreign Office, August 22, 1863.

I HAVE to acquaint your Lordship that despatches have been received from Her Majesty's Acting Judge at Sierra Leone, reporting that Mr. C. V. Dyer and Mr. T. R. Hibbard, the officers appointed by the United States' Government to fill the posts of American Judge and Arbitrator in the Mixed Commission Court established at that place under the provisions of the Treaty of the 7th of April, 1862, between Her Majesty's Government and the United States for the suppression of the African Slave Trade, have arrived at their destination, and have been sworn in before the Chief Justice of the Colony.

Your Lordship will communicate the above information to the United States' Government.

I am, &c.
(Signed) RUSSELL.

No. 227.

Lord Lyons to Earl Russell.—(Received August 28.)

My Lord, Washington, August 14, 1863.
 I HAVE the honour to transmit to your Lordship a copy of a note with which I have, in obedience to your Lordship's orders, transmitted to Mr. Seward copies of the inclosures in your Lordship's despatch of the 1st instant, relative to the capture of the schooner "*Mariquita*," with 471 slaves on board.

I have, &c.
 (Signed) LYONS.

Inclosure in No. 227.

Lord Lyons to Mr. Seward.

Sir, Washington, August 13, 1863.
 I HAVE the honour to transmit to you copies of a despatch from Her Majesty's Commissioner at Loanda, and of a letter from Commodore Wilmot,* the officer in command of Her Majesty's naval forces on the West Coast of Africa, reporting the capture, off the Congo River, by Her Majesty's ship "*Zebra*," of a schooner called the "*Mariquita*," with 471 slaves on board.

You will see that Commodore Wilmot reports that a rumour had reached him that the owners of the "*Mariquita*" entered into heavy bonds at New York for the legal employment of this vessel. I have, in consequence, been directed by Earl Russell to inform you of the circumstances under which this vessel has been captured, and to communicate to you the inclosed papers, in order that the Government of the United States may take such steps in the matter as may appear to it to be proper.

Lord Russell has not yet received any report from St. Helena of the condemnation of the "*Mariquita*," nor of the manner in which the master and crew were disposed of; but his Lordship has taken the necessary steps for procuring information on these points.

In addition to the two papers already mentioned I inclose a copy of a letter from Her Majesty's Commissioners of Customs,† reporting the results of inquiries instituted by them with regard to the clearance of the "*Mariquita*" from the port of London.

I have, &c.
 (Signed) LYONS.

No. 228.

Lord Lyons to Earl Russell.—(Received August 28.)

My Lord, Washington, August 14, 1863.
 I HAVE the honour to inclose a copy of a letter from Mr. Seward, informing me that it appears from a report of the United States' Consul at Trinidad de Cuba that the Courts of Havana have decided that slaves having been once landed and placed upon an estate, the proprietor of the estate is to all intents and purposes their legal owner, and no law or authority exists to question his right, or inquire how, or by what means he became possessed of them.

Having in compliance with Mr. Seward's request waited upon him for the purpose of conferring with him on this subject, I was requested by him to call the attention of Her Majesty's Government to it, and to request them to cause inquiry to be made about it.

I have, &c.
 (Signed) LYONS.

* Class A, Nos. 69 and 117.

† Inclosure in No. 225.

Inclosure in No. 228.

Mr. Seward to Lord Lyons.

My dear Lord Lyons,

Department of State, Washington, August 11, 1863.

IN a despatch of the 25th ultimo, the Consul of the United States at Trinidad de Cuba refers to a previous despatch of his in which he advised this Department that there had been landed near that city a cargo of kidnapped Africans, but that by a kind of providential interference they had been captured by the Spanish authorities, after having reached a sugar estate in the interior, and had been sent to Havana to be disposed of by the Captain-General, in conformity to the subsisting Treaties of the civilized nations of the earth on that subject. In the despatch now before me, however, the Consul says that information has lately reached him to the effect that the Courts or Judicial Tribunals of Havana have decided that, as the negroes were landed, and upon an estate, the proprietor thereof was, to all intents and purposes, their legal owner, and that no law or authority existed to question his right, or inquire how or by what means he became possessed of said slaves; and that by virtue of said decision those unfortunate beings would be returned to slavery. The Consul has been so much shocked by this anomalous decision, which he thinks must strike every one as intended to evade the efforts of civilized nations to suppress this nefarious Traffic in human flesh, that he has felt it to be his duty to submit the facts to me for my consideration, and for any future orders that I may be inclined to give him on the subject. I shall therefore be pleased to confer with your Lordship in regard to the matter

I am, &c.

(Signed) WILLIAM H. SEWARD.

No. 229.

Mr. Stuart to Earl Russell.—(Received September 5.)

My Lord,

Washington, August 18, 1863.

I HAVE the honour to inclose herewith a copy of a note which I have received from the Acting Secretary of State, in answer to the one addressed by Lord Lyons to Mr. Seward, of which a copy was forwarded to your Lordship in his Lordship's despatch of the 14th instant, relative to the capture of the American schooner "*Mariquita*," with a cargo of slaves on board, by Her Majesty's ship "*Zebra*," off the Congo River.

Your Lordship's despatch to Lord Lyons upon the subject was dated the 1st instant.

I have, &c.

(Signed) W. STUART.

Inclosure in No. 229.

Mr. F. Seward to Mr. Stuart.

Sir,

Department of State, Washington, August 17, 1863.

I HAVE the honour to acknowledge the receipt of the note of the 13th instant and of its accompaniments, addressed to this Department by Lord Lyons, relative to the capture, off the Congo River, by Her Majesty's ship "*Zebra*," of an American schooner called the "*Mariquita*," with 471 slaves on board; and to state that these papers have been referred to the Attorney-General, in order that such steps may be taken by him towards recovering the penalties of the bonds into which the owners of the "*Mariquita*" are said to have entered at New York, for her legal employment, before her departure from that city, as the nature of the case shall, in his judgment, seem to require.

I have, &c.

(Signed) F. W. SEWARD, *Acting Secretary.*

No. 230.

Earl Russell to Lord Lyons.

(Extract.)

Foreign Office, September 24, 1863.

I HAVE received your Lordship's despatch of the 14th ultimo, inclosing a copy of a note addressed to you by Mr. Seward, upon the subject of the present state of the Spanish Law with reference to the introduction of slaves into Cuba, which provides that slaves once landed in Cuba who have become the property of any individual possessing an estate in that island are held to be the lawful property of such owner, the law having no power to rescue them nor to punish their proprietors.

Mr. Seward has requested you to call the attention of Her Majesty's Government to this subject; and to beg that they will cause inquiry to be made into the matter.

I have to instruct you to state to Mr. Seward, that Her Majesty's Consul at the Havana has frequently reported upon this subject, and Her Majesty's Government, as well as successive Governors of Cuba, have repeatedly pointed out to the Spanish Government the necessity that exists for a revision of this obnoxious law, which offers every facility for the importation of slaves into Cuba, and which, if suffered to exist, must necessarily weaken the efforts of Great Britain and the United States for the suppression of the Slave Trade.

Her Majesty's Government, however, regret that every remonstrance which they have hitherto made to the Spanish Government upon this subject has proved unsuccessful.

No. 231.

Mr. Stuart to Earl Russell.—(Received September 30.)

My Lord,

Washington, September 15, 1863.

I HAVE the honour to inclose herewith a copy of a note which, in accordance with the instructions contained in your Lordship's despatch of the 22nd ultimo, I addressed to Mr. Seward on the 7th instant, for the purpose of informing him that Mr. Charles V. Dyer and Mr. Timothy R. Hibbard, the American Judge and Arbitrator in the Mixed Commission Court at Sierra Leone, had arrived at that place, and had been sworn in before the Chief Justice of the Colony.

I also inclose a copy of the note which I have received from Mr. Seward, conveying his thanks for the information in question.

I have, &c.
(Signed) W. STUART.

Inclosure 1 in No. 231.

Mr. Stuart to Mr. Seward.

Sir,

Washington, September 7, 1863.

I HAVE been instructed by Earl Russell to inform you that despatches have been received from Her Majesty's Acting Judge at Sierra Leone, reporting that Mr. Charles V. Dyer and Mr. Timothy R. Hibbard, the officers appointed by the United States' Government to fill the posts of American Judge and Arbitrator in the Mixed Commission Court established at that place under the provisions of the Treaty of the 7th April, 1862, between Her Majesty's Government and the United States for the suppression of the African Slave Trade, have arrived at their destination, and have been sworn in before the Chief Justice of the Colony.

I avail, &c.
(Signed) W. STUART,

UNITED STATES.

Inclosure 2 in No. 231.

*Mr. Seward to Mr. Stuart.*Sir, *Department of State, Washington, September 14, 1863.*

I HAVE the honour to acknowledge the receipt of your note of the 7th instant, informing me that despatches have been received from Her Majesty's Acting Judge at Sierra Leone, representing that Mr. Charles V. Dyer and Mr. Timothy R. Hibbard, the officers appointed by the United States' Government to fill the posts of American Judge and Arbitrator in the Mixed Commission Court established at that place under the provisions of the Treaty of the 7th of April, 1862, between the United States and Great Britain for the suppression of the African Slave Trade, have arrived at their destination, and have been sworn in before the Chief Justice of the Colony.

Thanking you for this intelligence, I have, &c.

(Signed)

WILLIAM H. SEWARD.

No. 232.

*Mr. Stuart to Earl Russell.—(Received October 3.)*My Lord, *Washington, September 21, 1863.*

WITH reference to your Lordship's despatch of the 1st ultimo, and to Lord Lyons' despatch of the 14th and to mine of the 18th ultimo, I have the honour to transmit to your Lordship herewith, copies of a note and its inclosures which I have received from Mr. Seward, including a report drawn up by the United States' District Attorney at New York, on the subject of the bonds which the owners of the "*Mariquita*" were supposed to have entered into at that port for the legal employment of their vessel.

Your Lordship will perceive that such bonds had been at one time entered into by the owners of the "*Mariquita*," but that they had been cancelled on her return from an apparently legal voyage previously to the one during which she was captured with slaves on board by Her Majesty's ship "*Zebra*," and that no evidence can be found of any subsequent bonds having been required from her owners.

I have, &c.

(Signed)

W. STUART.

Inclosure 1 in No. 232.

*Mr. Seward to Mr. Stuart.*Sir, *Department of State, Washington, September 19, 1863.*

REFERRING to Lord Lyons' note of the 13th ultim, and its accompaniments, relative to the capture off the Congo River by Her Majesty's ship "*Zebra*," of an American schooner called the "*Mariquita*," with 471 slaves on board, and to my reply, I have the honour to inclose, for your information, the copy of a communication of the 3rd instant, addressed to this Department by Mr. Kerr, under the instructions of the Attorney-General.

I have, &c.

(Signed)

WM. H. SEWARD.

Inclosure 2 in No. 232.

*Mr. Kerr to Mr. Seward.*Sir, *Attorney-General's Office, Washington, September 3, 1863.*

BY direction of the Attorney-General I inclose you herewith a copy of a letter of the District Attorney at New York, in relation to the schooner "*Mariquita*," and also sundry documents on the same subject previously sent from the Department State to the Attorney-General's office.

I am, &c.

(Signed)

JOHN B. KERR.

Inclosure 3 in No. 232.

*Mr. Smith to Mr. Bates.**Office of the District Attorney of the United States for the
Southern District of New York, New York,**September 1, 1863.*

Sir,

I HAVE already acknowledged the receipt of your letter of the 18th ultimo, with the accompanying documents, relating to the schooner "*Mariquita*."

It appears from the record in my office that a libel of information was filed, and suit *in rem* commenced against this vessel, her tackle and lading, in June 1860, upon the ground that her owners had fitted her out with intent to engage her in the African Slave Trade. A claim was filed, and a defence and denial were interposed.

In accordance with the practice in Admiralty, the claimants were allowed, on the 10th of July, 1860, to take the vessel upon filing in Court a bond conditioned, not that she should not engage in the Slave Trade, but that the appraised value of the ship and lading should be paid in the event of a decree of guilt; in other words, the bond secured the payment of the amount of such appraisal in case the Court should adjudge that she was fitted out with an illegal intent as was charged.

The prosecution appears to have been instituted upon information sent to the Law Officers in letters from the police, and from anonymous sources. It was said that the outfit was suited to a slave voyage, that handcuffs were put on board, and that other circumstances of suspicion existed. Among the sureties on the bond were men of high repute, and at the same time persons supposed to have been engaged in this nefarious traffic. One of the last mentioned I have myself prosecuted.

On the other hand, depositions of an exculpatory character were taken *de bene esse* at the instance of the counsel for the claimants, and with the Consent of the District Attorney. As further evidence of the alleged innocence of intent with which she was fitted out, it appears that having been released upon the bond already described, she sailed from this port, and returned in January 1861; that upon her arrival here she was laden with palm oil and other proper articles, thus, as her claimants alleged, verifying their assertions as to the integrity of the voyage, which had been projected at the time of her seizure.

In the same month (January 1861) the then District Attorney wrote to the then Solicitor of the Treasury requesting authority to discontinue the suit, and to cancel the stipulations of the bond. The authority was given, and an order of discontinuance and cancellation was entered. Thus the case never went to trial or judgment.

These proceedings were all closed some two or three months before my term of office commenced.

At my request, the Collector of the Customs at this port has searched his records for evidence of the taking of any bond by his predecessors from those interested in this vessel, conditioned that she should not engage in the Slave Trade. As you know, such bonds are sometimes required by the officers of the revenue, and are provided for by law. He certifies that no record of such a requirement can be found.

It would therefore appear, from an examination made by me of all the records and proceedings taken in New York in relation to the schooner "*Mariquita*," that there is no course left to me but to return the documents with the statement above made.

I am, &c.

(Signed) E. DELAFIELD SMITH,
United States' District Attorney.

No. 233.

Lord Lyons to Earl Russell.—(Received December 12.)

My Lord,

Washington, November 30, 1863.

I HAVE the honour to transmit to your Lordship a copy of a note from Mr. Seward stating that more than 1000 African negroes have recently been taken to Havana, and that it is reported that they were landed from a steam-ship which afterwards went on to Nassau. I have also the honour to transmit to you a copy of the answer which I have made to this communication.

I have sent copies of Mr. Seward's note to the Governor of the Bahama Islands and to Vice-Admiral Sir Alexander Milne.

I have, &c.

(Signed) LYONS.

Inclosure 1 in No. 233.

Mr. Seward to Lord Lyons.

My Lord,

Department of State, Washington, November 28, 1863.

IT appears from information this day received from the Consul-General of the United States at Havana, that over 1,000 African negroes were recently brought to that city. It is reported that they were landed from a steam-ship, whose name and nationality are unknown, in the neighbourhood of Cardenas or Sagua, and that very prominent and wealthy persons are said to be implicated in the business. The steamer was not captured. It is believed that she went to Nassau after landing the negroes. This intelligence has been communicated to the Navy Department.

I have, &c.

(Signed)

WILLIAM H. SEWARD.

Inclosure 2 in No. 233.

Lord Lyons to Mr. Seward.

Sir,

Washington, November 30, 1863.

I HAVE this morning had the honour to receive your note of the day before yesterday, informing me that more than 1,000 African negroes were recently taken to Havana, and that it is reported that they were landed from a steam-ship, which afterwards went on to Nassau.

I will, without any loss of time, communicate copies of your note to Her Majesty's Government, to the Governor of the Bahama Islands, and to the Commander-in-chief of Her Majesty's naval forces on the North American and West Indian stations.

I have, &c.

(Signed)

LYONS.

No. 234.

Lord Lyons to Earl Russell.—(Received December 26.)

My Lord,

Washington, December 15, 1863.

I HAVE the honour to transmit to your Lordship a copy of an unofficial letter which I have received from Mr. Seward, and a copy of its inclosure. It appears from these papers that 2,400 African negroes have been recently landed at a place called Ensenada de Cochinos, from two steamers, which sailed from Cadiz in Spain. I inclose also a copy of a letter in which I have informed Mr. Seward that I send copies of his communication to your Lordship and to Vice-Admiral Sir Alexander Milne.

I have, &c.

(Signed)

LYONS.

Inclosure 1 in No. 234.

Mr. Seward to Lord Lyons.

My dear Lord Lyons,

Department of State, Washington, December 14, 1863.

I HAVE the honour to inclose for your information an extract from a despatch of the 5th instant addressed to this Department by the Vice Consul-General of the United States at Havana, relative to the recent landing of 2,400 African negroes in the place called Ensenada de Cochinos in the jurisdiction of Cienfuegos, from two steamers which sailed from Cadiz, Spain.

I am, &c.

(Signed)

WILLIAM H. SEWARD.

Inclosure 2 in No. 234.

Mr. Savage to Mr. Seward.

(Extract.)

Consulate-General of United States, Havana, December 5, 1863.

I HAVE reliable information that 2,400 African negroes were landed on or about last Tuesday in the place called Ensenada de Cochinos, jurisdiction of Cienfuegos, from two steamers which sailed from Cadiz, Spain.

Don Julian Zulueta, a prominent planter, Member of the Havana City Council, and a well-known slave-trader, is believed to be the owner of the expedition. A Mr. Apodaca, who purchased about 100 of the negroes, is now confined in one of the forts here, and the negroes have been seized.

Inclosure 3 in No. 234.

Lord Lyons to Mr. Seward.

My dear Sir,

Washington, December 15, 1863.

I BEG you to accept my thanks for your unofficial letter of yesterday concerning the negroes which appear to have been landed at Ensenada de Cochinos. I will, without loss of time, send copies of the communication to Lord Russell and to Vice-Admiral Sir A. Milne.

Believe me, &c.
(Signed) LYONS.

UNITED STATES. (*Consular*)—*Boston*.

No. 235.

Consul Lousada to Earl Russell.—(Received June 26.)

My Lord,

Boston, June 10, 1863.

I HAVE the honour to report that the case of the United States against John C. Cork came up for trial in the United States' Circuit Court before Judge Clifford, on the 5th instant. This case has been before the Courts several times in proceedings against the various parties engaged.

The circumstances of the case, assought to be established by the Government in other trials, are that in 1860, Zeno Kelly of New Bedford, bought the "Tahmaroo" and fitted her out ostensibly for a whaling voyage, but really for the Slave Trade. She sailed under command of Captain Hathaway, having on board Captain Cork, who was to act as "slaver captain" in bringing off a cargo of slaves to be sold in Cuba. For divers reasons the object of the voyage was not accomplished; Kelly was arrested, and while his trial was pending about a year ago, Whittemore, the mate of the "Tahmaroo" and the principal witness against Kelly, absconded, and has not since been heard from. The case was continued from term to term until this spring, when Kelly was convicted in one count, but a motion for a new trial is now pending. Captain Cork was a witness at Kelly's first trial, but was defaulted on his recognizance to appear at the last trial. An indictment was found against him for being concerned in fitting out the vessel for the Slave Trade, and he was arrested in New York a few weeks ago and brought to this city for trial.

The Government having consented to enter a *nolle prosequi* on the first five counts in the indictment, Cork pleaded guilty to the sixth, charging that he voluntarily served on board the "Tahmaroo" knowing that the vessel had been fitted out for the Slave Trade. Sentence was postponed at the request of his Counsel.*

* Subsequently two years' imprisonment in Bedford jail.—F. L.

It will thus appear that the United States' Government is vigorously carrying out the crusade against those concerned in the Slave Trade.

I have, &c.
(Signed) FRANCIS LOUSADA.

No. 236.

Consul Lousada to Earl Russell.—(Received November 30.)

My Lord,

Boston, November 14, 1863.

I HAVE the honour to report that after a lengthened trial Zeno Kelly, of New Bedford, Massachusetts, charged with fitting out a vessel with intent to engage in the Slave Trade, has just been found guilty and sentenced to four years' imprisonment and to pay a fine of 1,000 dollars.

I have, &c.
(Signed) FRANCIS LOUSADA.

UNITED STATES. (Consular)—New York.

No. 237.

Consul Archibald to Earl Russell.—(Received November 23.)

My Lord.

New York, November 16, 1863.

REFERRING to the case of the slave-barque "*Augusta*," which vessel was condemned in the United States' District Court of this District, on a libel, charging her with having been fitted out for a slave-trading expedition, from which decree of condemnation an appeal was taken to the Circuit Court of this District, I now have the honour to report to your Lordship that the Circuit Court has, by its decision, pronounced on the 13th instant, of which I inclose a brief report, affirmed the decree of condemnation in the Court below.

The "*Augusta*" has been the subject of two prosecutions, one of which is still pending, the vessel having been bonded on her first seizure, and having been subsequently seized on a charge of being again outfitted for the Slave Trade.

I have, &c.
(Signed) E. M. ARCHIBALD.

Inclosure in No. 237.

Newspaper Extract.

Condemnation of a Slaver on Appeal.

THE UNITED STATES VERSUS THE BARQUE "*AUGUSTA*," ET AL.—NELSON, C. J.—This was a libel of information against vessel and cargo on charge of having been fitted out and equipped at Greenport, Long Island, in June 1861, for a voyage to the coast of Africa, with the intent to enter into the Slave Trade, in violation of the Acts of Congress particularly referred to in the libel.

Jacob A. Appley appeared as owner of the vessel and cargo, and put in his answer, denying the several allegations in the information. The proofs in the case are voluminous, and full on both sides. The Court below decreed condemnation of vessel and cargo, from which decree an appeal was taken to this Court. Pending the proceedings below, the claimant applied to this Court for a discharge of vessel and cargo, on entering into the usual stipulations with sureties, which application was granted, and the vessel discharged

on the 28th October, 1861. She was again seized, on a charge of the same offence, while lying off Montauk Point, about the middle of November following, by the public authorities, and brought to Greenport, where she was the second time libelled for the offence.

The appeal still pending in first cause in this Court, the District Attorney has very properly produced new proofs, which consist of the facts and circumstances upon which the vessel was the second time seized, and they are full to clear up any doubts that might have existed on the proofs at the hearing of the Court below.

The vessel was originally purchased by the claimant Appley, through the agency of Appleton Oaksmith, who was his partner in a mercantile firm at Greenport. Oaksmith had the superintendence and control of the fitting out of the vessel the first time, ostensibly for the purpose of a whaling voyage. This was in May and June 1861. The vessel was seized the 23rd of that month, as we have already stated, and was discharged on stipulation from the seizure of the 28th of October following, and delivered up to Appley, the claimant, and again seized the middle of November. The facts and circumstances upon which this second seizure was made show that Appleton Oaksmith again had the superintendence and control of the vessel, and the fitting out and equipment of her, as in the first instance, and with the privity and concurrence of Appley, the owner, and at the time his partner in business. The new proofs before me show, beyond all controversy, that the second equipment of the vessel, ostensibly for a whaling voyage, was in reality with the purpose and intent to engage in the Slave Trade on the coast of Africa, and from the intimate connection between the two transactions, namely, the fitting out of the vessel in June and again in October, under the management of the same parties, the second cannot but reflect light on the first, and remove every doubt that might be raised on account of the character of the proofs being less clear and decisive in form. It is quite apparent upon these proofs, that although Appley may have been the legal owner of the vessel, even if he did not participate in the illegal fitting out and equipment, and did not expect to participate in the profits of the adventure, he held the title for the benefit of Oaksmith, and permitted him to assume the entire charge and control, as much so as if he had been owner. These proofs leave no doubt in my mind of the correctness of the decree below, and hence it should be affirmed.

For the United States, District-Attorney Smith ; for claimant, Mr. Sawyer.

CONVENTION
BETWEEN
THE GOVERNMENTS OF
G R E A T B R I T A I N
AND OF
T U N I S,
RELATIVE TO THE
HOLDING OF REAL PROPERTY BY
BRITISH SUBJECTS IN TUNIS.

Signed, in the English and Arabic Languages, at Tunis, October 10, 1863.

Presented to both Houses of Parliament by Command of Her Majesty.
1864.

CONVENTION between the Governments of Great Britain and of Tunis, relative to the holding of Real Property by British Subjects in Tunis.

Signed, in the English and Arabic Languages, at Tunis, October 10, 1863.

In the Name of God All-Powerful.

CONVENTION concluded between the Government of Her Majesty, the descendant of glorious Sovereigns, the Crown of the illustrious great, who holds at her command the sword and the pen, the great and august Princess, the fame of whose virtues are spread over the universe, our friend the Lady Queen of Great Britain and Ireland, and the Government of His Most Serene Highness Mohamed Essadok Bey, Lord of the Regency of Tunis, relative to the permission granted to British subjects to hold real property in the Regency of Tunis.

Whereas, by Article XI of the Organic Laws of the Regency of Tunis, foreigners have acquired the right to possess immoveable property so soon as their respective Governments shall enter into an arrangement with the Government of Tunis, establishing the conditions which shall entitle them to exercise the right conceded to them; and whereas it is expedient to prevent in future the abuses, contentions, and confusion that have arisen in consequence of the means to which foreigners have had recourse, in order to evade the regulations and customs which prohibited them from holding immoveable property in their own names, the following stipulations have been entered into and concluded between His Most Serene Highness Mohamed Essadok Bey, Lord of the Regency of Tunis, and Richard Wood, Esq., Her Britannic Majesty's Agent and Consul-General at Tunis, duly authorized to that effect:—

ARTICLE I.

It being henceforward lawful for British subjects to purchase and possess immoveable property of every description in the Regency of Tunis, the Ecclesiastical and other legal Courts and authorities shall be empowered, upon the application of the purchaser, to proceed to the verification of the title-deeds, and to transfer the same in his name, according to the usages of the country, in order to give them the validity required by law.

ARTICLE II.

British subjects possessing immoveable property shall pay the same municipal and fiscal taxes which are paid by natives, and shall discharge in general the obligations which are by law attached to, and are discharged by, the like property held by natives.

ARTICLE III.

Every proprietor of houses, magazines, or other tenements, shall conform to the municipal regulations now existing, or which shall hereafter exist.

ARTICLE IV.

All cases of litigation respecting immoveable property, and relating to the ownership or occupation of houses or lands, between a British and a Tunisian subject, shall be referred for adjudication to the competent legal tribunals, whose summons for the appearance of the British subject shall be transmitted through the British Consul-General, or, in his absence, through his deputy, in order that he or his deputy may be present at the trial. And the condemned party shall have the right to appeal to the Courts

constituted for that purpose, until the appeal shall have reached the Meglis Elakbar (Legislative Assembly); and whatever decision might be given by the last tribunal, the authority of the condemned party shall carry it out. But in cases where the dispute is between British subjects, it shall be optional for them, or either of them, to have their difference heard and determined by their Consul-General, or his deputy, whose decision, however, shall be governed by the laws and usages of the country, so far as they can be ascertained, and so far as the conditions expressed in the contract will permit.

ARTICLE V.

British subjects holding immoveable property shall be free to sell, dispose of, and convey their property to natives; but they shall not sell, transfer, or convey their property to foreigners, except to subjects of such friendly Governments as have, by Convention or other agreement with His Highness the Bey, acquired for their subjects the right to purchase and hold immoveable property in the Regency of Tunis; and, in order to guard against any infraction of the present Article, as well as to avoid any dispute or litigation that may arise therefrom, it is agreed that in all cases of a sale or conveyance of immoveable property from a British to a foreign subject, the instrument of transfer shall have affixed to it the seals of the Ecclesiastical Court, or those of the competent native authorities, to render the sale valid and lawful.

ARTICLE VI.

If a British proprietor die, either wholly intestate or intestate as to his immoveable property, the succession to his immoveable property shall be governed by the same law as the succession, *ab intestato*, to his moveable property, without any let or hindrance on the part of the Tunisian authorities.

ARTICLE VII.

It being established at all times that the Consul-General, or, in his absence, his deputy, do administer the estate of a British subject dying intestate in the Regency of Tunis, it is further established and agreed that the same right of administration shall extend to the lands, houses, and tenements of a British subject so dying. And it is moreover established, that upon the written declaration of Her Majesty's Agent and Consul-General, or, in his absence, of his deputy, given under the seal of his office, that he has sold, disposed of, or conveyed the immoveable property belonging to the deceased, the courts and legal authorities shall recognize such sale; and shall, upon the testimony of two notaries that the sale was made in due and legal form, furnish the purchaser, being a native or a foreigner coming within the provision of Article V of the present Convention, with such legal instruments or deeds as will enable the said purchaser, in case of contention, sale, conveyance, or mortgage, to prove his right over the said property.

ARTICLE VIII.

The stipulations of the foregoing Article, and the rights therein reserved, shall also apply to, and shall be exercised by, the Consul-General, or his deputy in his absence, with regard to the immoveable property of a British subject who has become involved in pecuniary difficulties, or who has declared himself insolvent in order to the payment of his debts and liabilities.

ARTICLE IX.

The written declaration of Her Majesty's Agent and Consul-General, or, in his absence, of his deputy, that he has disposed of the immoveable property of a British subject, for the reasons and for the purposes specified in Articles VII and VIII, shall be held to free from responsibility the legal authorities and Courts recognizing and confirming the transfer of such property; and for the satisfaction of the Courts that the transaction has been made in due form, it shall be optional for them to depute their own Notaries to assist at such sales and conveyances.

ARTICLE X.

In all transactions relating to immoveable property, British subjects shall pay the notarial and other fees which are fixed by law and are paid by natives.

ARTICLE XI.

No British subject shall be forced to dispose of his immoveable property, except for objects of public utility. But in all cases of expropriation, Articles XI and XII of the Municipal Law of Tunis shall be the rule for effecting the compulsory expropriation for any public purpose in a lawful manner, and for fixing the amount of the indemnity to be paid; and such indemnity shall be paid in full, and to the satisfaction of the proprietor, before the act of expropriation can be carried out.

ARTICLE XII.

As a further protection, however, to proprietors, the Decree declaring the public object for which the expropriation has been rendered necessary shall emanate from His Highness the Bey. The Consul-General, or, in his absence, his Deputy, shall have due information thereof, so that he may have it in his power to watch over the execution of the provisions of Article XI of the Municipal Law heretofore established and agreed upon with reference to the mode of ascertaining and fixing the amount of the indemnity.

ARTICLE XIII.

With a view to prevent complaints, abuses, or a misconstruction being put upon an act of expropriation, it is agreed that, should the Bey's Decree, specifying the object of public utility for which the expropriation has been made, be not executed at the expiration of one year after its date, the owner of the immoveable property shall have the right to recover the same by reimbursing in full the amount of the indemnity.

ARTICLE XIV.

Whenever a British subject shall desire to introduce machinery, or establish a manufactory in the Regency of Tunis, he shall be bound to apply for and obtain the permission of the Bey for that purpose, and His Highness, in according such permission, shall specify in the body of the Decree or Concession the conditions upon which it has been granted, in order that the Decree shall serve, in case of litigation or of an infraction of any of the conditions, as a rule and a guidance for the equitable adjustment of the points or points at issue.

ARTICLE XV.

The building and appurtenances of manufactories being immoveable property, are subject to the conditions and stipulations relating to such property in general. But as a further security to the local Government and to the public revenue, it is moreover established and agreed that, upon the written requisition of the Minister for Foreign Affairs, or of the President of the Municipal Council, to the Consul-General, or, in his absence, to his deputy, the fiscal officers shall have the right to ascertain, by personal inspection, that the manufactory has not been diverted from the purpose for which permission was given, and that the internal taxes and imposts levied upon raw materials, either previously to or after their being manufactured, are duly paid.

ARTICLE XVI.

British subjects holding, or hereafter becoming possessed of, property called *anzal* (leasehold), shall continue to enjoy the conditions which constitute and are attached to that description of property, and which conditions are hereby established and confirmed.

ARTICLE XVII.

British subjects holding immoveable property in the Regency of Tunis shall, in conforming to the local laws and regulations, exercise and enjoy the same immunities, privileges, and rights that are accorded to Tunisian proprietors; and for that purpose the right of British subjects to hold immoveable property being derived from the enactments founded upon the organic laws (*Aad-el-Aman*) the said enactments are hereby confirmed; and their observance being considered necessary for the more efficient protection of the immoveable property held as aforesaid, it has been further agreed that they shall be maintained, as a greater security for the due performance of the conditions of the present Convention. And they shall be furthermore entitled to all the immunities, privileges, and exemptions accorded, or to be hereafter accorded, to the subjects or citizens of the most favoured nation.

This Convention has been written in triplicate, consisting in seventeen Articles, besides the introduction, and contained in the preceding nineteen pages, to be signed by both parties, and to be executed in the manner explained and clearly set forth in its several provisions, having for object the duration, confirmation, and maintenance of amity between them.

Dated on Saturday, the twenty-sixth day of Rabi-el-Thany, one thousand two hundred and eighty of the Hedjira, corresponding to the tenth of October, in the year of our Lord one thousand eight hundred and sixty-three, at the Palace of the Goletta.

(Signed)

(L.S.) RICHARD WOOD.

(Signed in Arabic)

(L.S.) MOHAMED ESSADOK BEY.

(Countersigned by the Bey's Prime Minister.)

CONVENTION between the Governments of Great Britain and of Tunis, relative to the holding of Real Property by British Subjects in Tunis.

*Signed, in the English and Arabic Languages,
at Tunis, October 10, 1863.*

*Presented to both Houses of Parliament by
Command of Her Majesty. 1864.*

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